

“(A) for the adjudication of determinations of whether a failure to register was knowing and willful; and

“(B) under which such a determination may not be made if the individual concerned shows by a preponderance of the evidence that the failure to register was neither knowing nor willful.

“(2) The procedures under paragraph (1) may provide that determinations referred to in paragraph (1)(A) shall be adjudicated by the Executive agency making the appointment for which the eligibility is determined.”.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Director of the Selective Service System, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations under section 3328(c) of title 5, United States Code, as added by subsection (a) of this section.

(c) READJUDICATION OF DETERMINATIONS.—Any individual whose case was or is adjudicated under section 3328(b) of title 5, United States Code, during the period beginning on February 21, 2007, through the date on which the regulations are prescribed or amended under subsection (b) of this section are in effect, and whose case involve a determination of whether a failure to register was knowing and willful, may have his or her case readjudicated in accordance with such regulations as so prescribed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## FEDERAL REAL PROPERTY DISPOSAL ENHANCEMENT ACT OF 2008

Mr. TOWNS. Madam Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 7217) to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 7217

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Real Property Disposal Enhancement Act of 2008”.

### SEC. 2. DUTIES OF THE GENERAL SERVICES ADMINISTRATION AND EXECUTIVE AGENCIES.

(a) IN GENERAL.—Section 524 of title 40, United States Code, is amended to read as follows:

#### “§ 524. Duties of the General Services Administration and executive agencies

“(a) DUTIES OF THE GENERAL SERVICES ADMINISTRATION.—

“(1) GUIDANCE.—The Administrator shall issue guidance for the development and implementation of agency real property plans. Such guidance shall include recommendations on—

“(A) how to identify excess properties;

“(B) how to evaluate the costs and benefits involved with disposing of real property;

“(C) how to prioritize disposal decisions based on agency missions and anticipated future need for holdings; and

“(D) how best to dispose of those properties identified as excess to the needs of the agency.

“(2) DATABASE.—The Administrator shall establish and maintain a single, comprehensive, and descriptive database of all Federal real property assets under the custody and control of all executive agencies, other than real property assets excluded for reasons of national security. The Administrator shall collect from each executive agency such descriptive information, except for classified information, as necessary in order to describe the nature, use, and extent of the real property holdings of the Federal government. The descriptive information for each piece of real property shall include—

“(A) geographic location with address and description;

“(B) total size including square footage and acreage;

“(C) mission criticality; and

“(D) the level of utilization of the property, including whether the real property is excess, surplus, underutilized, or unutilized.

“(3) USABILITY.—(A) The database established and maintained under this section shall be accessible by agencies through a searchable Web site.

“(B) A searchable Web site means a Web site that, at a minimum, allows agencies—

“(i) to search and aggregate Federal real property by constructed asset, facility/installation, agency, location, and level of utilization; and

“(ii) to download data from any such search.

“(C) To the extent consistent with national security, the database shall be accessible by the public at no cost through the Web site of the General Services Administration. The Administrator may withhold from public disclosure information included in the database if the Administrator determines that withholding such information would be in the best interest of the Government or the public. At a minimum, the Administrator shall make aggregate information contained in the database available to the public.

“(D) Nothing in this paragraph requires an agency to make available to the public information that is exempt from disclosure pursuant to section 552 of title 5, United States Code (popularly known as the Freedom of Information Act).

“(4) ANNUAL REPORT.—(A) The Administrator shall submit an annual report, for each of the first 5 years after 2008, to the congressional committees listed in subparagraph (C) based on data submitted from all executive agencies, detailing executive agency efforts to reduce their real property assets and the additional information described in subparagraph (B).

“(B) The report shall contain the following information for the year covered by the report:

“(i) The aggregated estimated market value and number of real property assets under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

“(ii) The aggregated estimated market value and number of surplus real property assets under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

“(iii)(I) The aggregated cost for maintaining all surplus real property under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

“(II) For purposes of subclause (I), costs for real properties owned by the Federal government shall include recurring maintenance and repair costs, utilities, cleaning and janitorial costs, and roads and grounds expenses.

“(III) For purposes of subclause (I), costs for real properties leased by the Federal government shall include lease costs, including base and operating rent and any other relevant costs listed in subclause (II) not covered in the lease contract.

“(iv) The aggregated estimated deferred maintenance costs of all real property under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

“(v) For each surplus real property facility/installation disposed of, an indication of—

“(I) its geographic location with address and description;

“(II) its size, including square footage and acreage;

“(III) the date and method of disposal; and

“(IV) its estimated market value.

“(vi) Such other information as the Administrator considers appropriate.

“(C) The congressional committees listed in this subparagraph are as follows:

“(i) The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

“(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

“(5) ASSISTANCE.—The Administrator shall assist executive agencies in the identification and disposal of excess real property.

“(b) DUTIES OF EXECUTIVE AGENCIES.—

“(1) IN GENERAL.—Each executive agency shall—

“(A) maintain adequate inventory controls and accountability systems for property under its control;

“(B) continuously survey property under its control to identify excess property;

“(C) promptly report excess property to the Administrator;

“(D) perform the care and handling of excess property; and

“(E) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

“(2) SPECIFIC REQUIREMENTS WITH RESPECT TO REAL PROPERTY.—With respect to real property, each executive agency shall—

“(A) develop and implement a real property plan in order to identify properties to declare as excess using the guidance issued under subsection (a)(1);

“(B) identify and categorize all real property owned, leased, or otherwise managed by the agency;

“(C) establish adequate goals and incentives that lead the agency to reduce excess real property in its inventory;

“(D) when appropriate, use the authorities in section 572(a)(2)(B) of this title in order to identify and prepare real property to be reported as excess.

“(3) ADDITIONAL REQUIREMENTS.—Each executive agency, as far as practicable, shall—

“(A) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;

“(B) transfer excess property under its control to other Federal agencies and to organizations specified in section 321(c)(2) of this title; and

“(C) obtain excess properties from other Federal agencies to meet mission needs before acquiring non-Federal property.”.

(b) CLERICAL AMENDMENT.—The item relating to section 524 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

“524. Duties of the General Services Administration and executive agencies.”.

### SEC. 3. ENHANCED AUTHORITIES WITH REGARD TO PREPARING PROPERTIES TO BE REPORTED AS EXCESS.

Section 572(a)(2) of title 40, United States Code, is amended—

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

(2) by inserting after subparagraph (A) the following new subparagraph:

“(B) ADDITIONAL AUTHORITY.—(i) From the fund described in paragraph (1), subject to clause (iv), the Administrator may obligate an amount to pay the direct and indirect costs related to identifying and preparing properties to be reported excess by another agency.

“(ii) The General Services Administration shall be reimbursed from the proceeds of the sale of such properties for such costs.

“(iii) Net proceeds shall be dispersed pursuant to section 571 of this title.

“(iv) The authority under clause (i) to obligate funds to prepare properties to be reported excess does not include the authority to convey such properties by use, sale, lease, exchange, or otherwise, including through leaseback arrangements or service agreements.

“(v) Nothing in this subparagraph is intended to affect subparagraph (D).”.

### SEC. 4. ENHANCED AUTHORITIES WITH REGARD TO REVERTED REAL PROPERTY.

(a) AUTHORITY TO PAY EXPENSES RELATED TO REVERTED REAL PROPERTY.—Section 572(a)(2)(A) of title 40, United States Code, is amended by adding at the end the following:

“(iv) The direct and indirect costs associated with the reversion, custody, and disposal of reverted real property.”.

(b) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 550.—Section 550(b)(1) of title 40, United States Code, is amended—

(1) by inserting “(A)” after “(1) IN GENERAL.”; and

(2) by adding at the end the following: “If the official, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property, and, subject to subparagraph (B), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

“(B) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 553 and 554 of this title.”.

(c) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 553.—Section 553(e) of title 40, United States Code, is amended—

(1) by inserting “(1)” after “THIS SECTION.”; and

(2) by adding at the end the following: “If the Administrator determines that reversion of the property is necessary to enforce compliance with the terms of the conveyance, the Administrator shall take control of such property and, subject to paragraph (2), sell it

at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

“(2) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 554 of this title.”.

(d) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 554.—Section 554(f) of title 40, United States Code, is amended—

(1) by inserting “(1)” after “THIS SECTION.”; and

(2) by adding at the end the following: “If the Secretary, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

“(b) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 553 of this title.”.

### SEC. 5. AGENCY RETENTION OF PROCEEDS.

The text of section 571 of title 40, United States Code, is amended to read as follows:

“(a) PROCEEDS FROM TRANSFER OR SALE OF REAL PROPERTY.—Net proceeds described in subsection (d) shall be deposited into the appropriate real property account of the agency that had custody and accountability for the real property at the time the real property is determined to be excess. Such funds shall be expended only as authorized in annual appropriations Acts and only for activities as described in section 524(b) of this title and disposal activities, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this title. Proceeds may also be expended by the agency for maintenance and repairs of the agency’s real property necessary for its disposal or for the repair or alteration of the agency’s other real property, provided that proceeds shall not be authorized for expenditure in an appropriations Act for any repair or alteration project that is subject to the requirements of section 3307 of this title without a prospectus submitted by the General Services Administration and approved by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b), 573, or 574 of this title.

“(c) DISPOSAL AGENCY FOR REVERTED PROPERTY.—For the purposes of this section, for any real property that reverts to the United States under sections 550, 553, and 554 of this title, the General Services Administration, as the disposal agency, shall be treated as the agency with custody and accountability for the real property at the time the real property is determined to be excess.

“(d) NET PROCEEDS.—The net proceeds referred to in subsection (a) are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a) of this title, from a—

“(1) transfer of excess real property to a Federal agency for agency use; or

“(2) sale, lease, or other disposition of surplus real property.

“(e) PROCEEDS FROM TRANSFER OR SALE OF PERSONAL PROPERTY.—(1) Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

“(2) The proceeds described in this paragraph are proceeds under this chapter from—

“(A) a transfer of excess personal property to a Federal agency for agency use; or

“(B) a sale, lease, or other disposition of surplus personal property.

“(3) Subject to regulations under this subtitle, the expenses of the sale of personal property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This paragraph applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.”.

### SEC. 6. DEMONSTRATION AUTHORITY.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 40, United States Code, is amended by adding at the end the following new section:

#### “§ 530. Demonstration program of inapplicability of certain requirements of law

“(a) AUTHORITY.—Effective for fiscal years 2009 and 2010, the requirements of section 501(a) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 1141(a)) shall not apply to eligible properties.

“(b) ELIGIBLE PROPERTIES.—A property is eligible for purposes of subsection (a) if it meets both of the following requirements:

“(1) The property is selected for demolition by an agency and is a Federal building or other Federal real property located on land not determined to be excess, for which there is an ongoing Federal need, and not to be used in any lease, exchange, leaseback arrangement, or service agreement.

“(2) The property is—

“(A) located in an area to which the general public is denied access in the interest of national security and where alternative access cannot be provided for the public without compromising national security; or

“(B) the property is—

“(i) uninhabitable;

“(ii) not a housing unit; and

“(iii) selected for demolition by an agency because either—

“(I) the demolition is necessary to further an identified Federal need for which funds have been authorized and appropriated; or

“(II) the property poses risk to human health and safety or has become an attractive nuisance.

“(c) LIMITATIONS.—

“(1) No property of the Department of Veterans Affairs may be considered an eligible property for purposes of subsection (a).

“(2) With respect to an eligible property described in subsection (b), the land underlying the property remains subject to all public benefit requirements and notifications for disposal.

“(d) NOTIFICATION TO CONGRESS.—(1) A list of each eligible property described in subsection (b) that is demolished or scheduled for demolition, by date of demolition or projected demolition date, shall be sent to the congressional committees listed in paragraph (2) and published on the Web site of the General Services Administration biannually beginning 6 months after the date of the enactment of this section.

“(2) The congressional committees listed in this paragraph are as follows:

“(A) The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

“(e) RELATIONSHIP TO OTHER PROVISIONS OF LAW.—Nothing in this section may be construed as interfering with the requirement for the submission of a prospectus to Congress as established by section 3307 of this title or for all demolitions to be carried out pursuant to section 527 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 529 the following new item:

“530. Demonstration program of inapplicability of certain requirements of law.”.

Mr. DUNCAN. Madam Speaker, for several Congresses, proposals have been introduced to address real property management issues within the Federal Government, but have failed to become law. Today, however, I am pleased to be part of the bipartisan effort that we are discussing, the Federal Real Property Disposal Act, and am hopeful that this bill will be able to clean up the federal real property inventory.

I would like to thank Representative MOORE, Chairman WAXMAN and Senators CARPER and COBURN for their work on this important issue. With all the talk of spending, this bill has the opportunity to bring about great savings for the American taxpayer.

The Government Accountability Office has listed federal real property as one of its high risk issues since 2003 due to incomplete data and the numbers of excess properties and aging facilities.

In 2004, President Bush issued an Executive Order to improve the management of federal real property. Since then \$7 billion worth of unneeded assets and properties have been removed from the government inventory.

The Federal Government has a goal of disposing of \$9 billion in unneeded real property by the end of fiscal year 2009. Jim Nussle, the Director of the Office of Management and Budget, sent me a letter last year endorsing a bill I introduced in the House and that Senators TOM CARPER and TOM COBURN introduced in the Senate.

Director Nussle wrote: “To reach this objective, I believe we must improve and streamline the current process that Federal agencies face in disposing of real property assets.”

Some people never want the government to sell any property, and government at all levels continues to acquire more and more every year. But if we keep shrinking the tax base, schools and other agencies will have a much harder time in the future getting increases in their funding.

In June of 2007, the Office of Management and Budget reported that the Federal Government owned over 21,000 excess properties and assets with a total replacement value of nearly \$18 billion. That is more than the gross domestic product of over half the countries in the world.

The bill that we are taking up today builds on a proposal that overwhelmingly passed the House earlier this year.

Under the Federal Real Property Disposal Enhancement Act, an agency would be able to retain a portion of the proceeds from a sale of a property deemed excess. This will provide agencies an incentive to get rid of unneeded properties and allow them to use the proceeds to maintain current property or prepare excess property for disposal.

The reporting requirements in H.R. 7217 will provide what I believe will be very useful and valuable information, not only on the numbers and values of Federal properties, but on the costs of maintaining properties, like utilities, repairs, and janitorial services.

Agencies spend well over \$100 million dollars a year on the maintenance and upkeep of

properties that are not even being used. H.R. 7217 will help agencies reduce these unnecessary costs.

Madam Speaker, in closing, I believe that H.R. 7217 gives additional resources to those agencies that might not otherwise be able to prepare and dispose of properties the ability to reap the benefits and apply them toward mission-critical properties. It also saves hard-earned taxpayer dollars that could definitely be used more appropriately.

Mr. WAXMAN. Madam Speaker, I stand in support of H.R. 7217, the Federal Real Property Disposal Enhancement Act. H.R. 7217 is the byproduct of bipartisan bicameral collaboration and I want to congratulate Representatives MOORE and DUNCAN for their commitment to federal real property reform. I also want to acknowledge Senators CARPER and COBURN for their dedication also. I must also recognize the hard work and efforts of Ranking Member DAVIS.

What we have before us is a sensible bill which will help move surplus real property out of the federal inventory. The bill allows the General Services Administration (GSA) to help pay the costs of other agencies' disposal activities. In particular, GSA will be able to help agencies pay costs with regard to properties that have yet to be declared excess. These costs include environmental cleanup, demolition, surveying, and life cycle costing.

In addition, this bill modifies existing law to make clear that when a property has been transferred to a nonprofit organization or a state or local government for a public purpose, and that public purpose is no longer being met, the property must revert to the Federal Government, which must dispose of it.

The bill also allows all agencies to retain the proceeds from the sale of federal surplus properties. These proceeds will be used for disposal activities and also may be used for maintenance and repairs.

Moreover, the bill includes a pilot program, under which agencies can, for certain properties scheduled for demolition, avoid the quarterly suitability canvas performed by Housing and Urban Development (HUD), allowing agencies to try and dispose of such properties on an accelerated timeframe.

Furthermore, this bill ensures strong data collection and reporting so the Federal Government can keep track of the real property in its inventory. Madam Speaker, passage of this bill, a work in progress for over six years, will make federal real property reform a reality. I urge passage.

Attached is an exchange of letters regarding jurisdiction.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, September 29, 2008.

Hon. HENRY A. WAXMAN,

Chairman, Committee on Oversight and Government Reform, House of Representatives, 2157 Rayburn House Office Building, Washington, DC

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 7217, a bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes. This bill is the product of negotiations between the House and Senate on provisions contained in H.R. 5787, the “Federal Real Property Disposal Enhancement Act of 2008”, and S. 1667, a bill to establish a pilot program for the expedited disposal of Federal real property.

H.R. 7217 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over this legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the CONGRESSIONAL RECORD during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,

Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, September 29, 2008.

Hon. JAMES OBERSTAR,

Chairman, Committee on Transportation and Infrastructure, House of Representatives, 2165 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 7217, a bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes. This bill is the product of negotiations between the House and Senate on provisions contained in H.R. 5787, the “Federal Real Property Disposal Enhancement Act of 2008”, and S. 1677, a bill to establish a pilot program for the expedited disposal of Federal real property.

I agree that provisions in H.R. 7217 are of jurisdictional interest to the Committee on Transportation and Infrastructure. I appreciate your willingness to waive rights to further consideration of H.R. 7217, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over the relevant provisions of H.R. 7217.

This exchange of letters will be placed in the CONGRESSIONAL RECORD as part of the consideration of H.R. 7217 in the House.

I thank you for working with me to pass this important legislation.

Sincerely,

HENRY A. WAXMAN,

Chairman.

Mr. DAVIS of Virginia. Madam Speaker, today we take up the Federal Real Property Disposal Enhancement Act of 2008. This bill is a common sense reform that I have long supported.

The federal government is the largest landholder in the country. As such, it is essential for the federal government to manage its properties as efficiently and effectively as possible.

More importantly, property which is no longer of use to the federal government should be removed from the inventory.

Unfortunately, over the years, federal property disposal processes have become increasingly cumbersome and unwieldy, and agencies often decide it's easier to sit on a property than try to get rid of it.

In fact, OMB estimates a backlog of more than 21,000 in properties in need of maintenance and repair, carrying a price tag of more than \$18 billion.

When I chaired the Oversight and Government Reform Committee, I spent a considerable amount of time working to reform the federal real property disposal system.

This bill does not go as far as I would like us to go in reforming our federal property laws.

But the databases and reporting requirements included in this legislation will at least allow us to know the extent of the problem.

Good government doesn't just mandate that we don't spend what we don't need to spend . . . it also mandates that we don't keep what we don't need to keep.

It's time the government does a better job at meeting that goal so I'll be supporting this legislation and I encourage my colleague to do the same.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the measures just considered.

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

There was no objection.

#### STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL ACT OF 2008

Ms. MOORE of Wisconsin. Madam Speaker, I ask unanimous consent that the Committees on Financial Services and Energy and Commerce be discharged from further consideration of the bill (H.R. 7198) to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 7198

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stephanie Tubbs Jones Gift of Life Medal Act of 2008".

#### SEC. 2. ELIGIBILITY REQUIREMENTS FOR STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL.

(a) IN GENERAL.—Subject to the provisions of this section and the availability of funds under this Act, any organ donor, or the family of any organ donor, shall be eligible for a Stephanie Tubbs Jones Gift of Life Medal (hereafter in this Act referred to as a "medal").

(b) DOCUMENTATION.—The Secretary of Health and Human Services shall direct the entity operating the Organ Procurement and Transplantation Network to—

(1) establish an application procedure requiring the relevant organ procurement organization through which an individual or family of the individual made an organ dona-

tion, to submit to such entity documentation supporting the eligibility of the individual or the family, respectively, to receive a medal;

(2) determine through the documentation provided and, if necessary, independent investigation whether the individual or family, respectively, is eligible to receive such a medal; and

(3) arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to section 4 to individuals or families that are determined to be eligible to receive medals.

#### (c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) EXCEPTION.—In the case of a family in which more than 1 member is an organ donor, a medal may be presented for each such organ donor.

#### SEC. 3. SOLICITATION OF DONATIONS; PROHIBITION ON USE OF FEDERAL FUNDS.

(a) IN GENERAL.—The Organ Procurement and Transplantation Network may collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

#### (b) PAYMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of Health and Human Services for purposes of purchasing medals under this Act for distribution and paying the administrative costs of the Secretary of Health and Human Services and the Secretary of the Treasury in carrying out this Act.

(2) LIMITATION.—Not more than 7 percent of any funds received under subsection (a) may be used to pay administrative costs, and fundraising costs to solicit funds under subsection (a), incurred by the Organ Procurement and Transplantation Network in carrying out this Act.

(c) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds (including amounts appropriated for use by the Organ Procurement and Transplantation Network) may be used for purposes of carrying out this Act, including purchasing medals under this Act or paying the administrative costs of the Secretary of Health and Human Services or the Secretary of the Treasury in carrying out this Act.

#### SEC. 4. DESIGN AND PRODUCTION OF MEDAL.

(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of the Treasury shall design and strike the Stephanie Tubbs Jones Gift of Life Medals, each of which shall—

- (1) weigh 250 grams;
- (2) have a diameter of 3 inches; and
- (3) consist of bronze.

#### (b) DESIGN.—

(1) IN GENERAL.—The design of the medals shall commemorate the compassion and courage manifested by and the sacrifices made by organ donors and their families, and the medals shall bear suitable emblems, devices, and inscriptions.

(2) SELECTION.—The design of medals struck under this section shall be—

(A) selected by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, the Organ Procurement and Transplantation Network, interested members of the family of Stephanie

Tubbs Jones, Dr. William H. Frist, and the Commission of Fine Arts; and

(B) reviewed by the Citizens Coin Advisory Committee.

(c) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(d) STRIKING AND DELIVERY OF MINIMUM-SIZED LOTS.—The Secretary of the Treasury shall strike and deliver to the Secretary of Health and Human Services no fewer than 100 medals at any time pursuant to an order by such Secretary.

(e) COST OF MEDALS.—Medals struck under this section and sold to the Secretary of Health and Human Services for distribution in accordance with this Act shall be sold to the Secretary of Health and Human Services at a price sufficient to cover the cost of designing and striking the medals, including labor, materials, dies, use of machinery, and overhead expenses.

#### (f) NO EXPENDITURES IN ADVANCE OF RECEIPT OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall not strike or distribute any medals under this Act until such time as the Secretary of Health and Human Services certifies that sufficient funds have been received by such Secretary to cover the cost of the medals ordered.

(2) DESIGN IN ADVANCE OF ORDER.—Notwithstanding paragraph (1), the Secretary of the Treasury may begin designing the medal at any time after the date of the enactment of this Act and take such other action as may be necessary to be prepared to strike such medals upon receiving the certification described in such paragraph, including preparing dies and striking test pieces.

#### SEC. 5. MEDALS NOT TREATED AS VALUABLE CONSIDERATION.

A medal under this Act shall not be treated as valuable consideration for purposes of section 301(a) of the National Organ Transplant Act (42 U.S.C. 274e(a)).

#### SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ORGAN.—The term "organ" has the meaning given such term in section 121.2 of title 42, Code of Federal Regulations.

(2) ORGAN PROCUREMENT ORGANIZATION.—The term "organ procurement organization" means a qualified organ procurement organization described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)).

(3) ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.—The term "Organ Procurement and Transplantation Network" means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENDING THE ANDEAN TRADE PREFERENCE ACT

Ms. MOORE of Wisconsin. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 7222) to extend the Andean Trade Preference Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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