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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 18, 2007.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Maryland (Mr. HOYER).

HONORING DR. VINOD K. SHAH AND THE DOCTORS SHAH

Mr. HOYER. Madam Speaker, rarely do I avail myself of this opportunity, but I do so today to recognize the extraordinary contributions of an extraordinary man, extraordinary woman and extraordinary family.

The holiday season is traditionally a season of giving. Today I would like to take just a few minutes to recognize the vital contributions of a man and his family who have continually given his time, his energy and his efforts to the residents of St. Mary's County and to southern Maryland, which I am honored to represent in this body, my dear and great friend Dr. Vinod K. Shah, affectionately known as Vinnie or V.K.

NOTICE

If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the *Congressional Record* for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong_record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

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By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

Every so often an individual comes along who leaves an indelible mark on his or her community and the people around them. In southern Maryland, two such individuals are Dr. Shah and his wife, Dr. Shah. Her name is Ila. Together they established their medical practice in southern Maryland roughly 30 years ago when the citizens there were greatly in need of medical services.

We had some good doctors, but we needed more. Since then Vinnie and Ila have built a medical practice that has literally changed the face of health care in our region, expanding to become the largest private medical practice in the State of Maryland.

Dr. Shah's service and the service of his family to southern Maryland as well as our Nation's dependence on foreign-born doctors, particularly in rural America, was recounted in a front-page story in the Washington Post on December 7, 2007.

As Richard Martin, who was the head of St. Mary's County Hospital when Dr. Shah arrived, told the Post, and I quote, ''It was just like miracle workers had walked in. I told them, 'You are the answer to my prayers.' ''

The Shahs epitomize family values. Vinod and Ila recruited family and friends, including Vinod's eight siblings, each of whom is a doctor or is married to one.

When I refer to the Shah family, let me just recite their names, all family, brothers or sisters, sons or daughters, giving service in this country to our people:

Dr. Vinod Shah.
His wife, Dr. Ila Shah.
Dr. Mamesh P. Shah.
Dr. Anil K. Shah.
Dr. Amish Shah, Dr. Shah's son.
Dr. Deepak K. Shah.
Dr. Arpana Shah, his daughter-in-law.
Dr. Umed K. Shah.
Dr. Nayan Shah.
Dr. Atul Shah.
Dr. Avani Shah.
Dr. Dhiren Shah.
Dr. Beena Shah.
Dr. Jyoti D. Shah.

It is an amazing list, and it doesn't end there, with his daughter doing her residency and her husband doing his residency. The Shahs epitomize family values. As I said, they are an extraordinary family.

Today, Shah Associates is a growing practice that includes 65 physicians in 10 locations, and which recently announced that it will partner with specialists from Georgetown University Hospital and the Washington Hospital Center in a planned 32,000 square-foot addition to his medical center.

Leslie Miller, who heads the cardiac program at both hospitals, told the Washington Post, referring to Shah Associates, ''They are a model of health care of the future. These guys, on their own, using their own money, have put together this extraordinary system. We want to extend what they have done.''

Madam Speaker, the manner in which Dr. Shah operates Shah Associates is an accurate reflection of this generous and good man and the values that he and his family hold and demonstrate to all of us daily. This medical practice is truly a family affair, as I have noted, and accepts all those who need care, regardless of their ability to pay. I have heard extraordinary stories from my constituents about the extent to which the Shah family has gone to help them, the care that they have extended.

I have known Dr. Shah for many years. He is my next-door neighbor. He is one of my closest friends. He, his wife, his son, his daughter, his son-in-law and daughter-in-law are all very close.

Without doubt, he is one of the most decent, honorable and honest men that I have ever met. His wife, Ila, reflects that same character, as do his children, their spouses and his extended family, his brothers and sisters, brothers-in-law and sisters-in-law. He is not only my friend and my neighbor, but he is a friend and neighbor to the entire community in southern Maryland. He has touched countless lives over the years, and the difference he has made, that his family have made, that Shah Associates have made, cannot be overstated.

Let me say, too, that Dr. Shah's success is a quintessential American story in which a husband and wife, both immigrants, both physicians, come to our Nation and through hard work, intelligence, merit and reputation become, quite literally, the backbone of the community. Gandhi once remarked, ''Be the change you want to see in the world.''

Vinod Shah, Ila Shah and their family have lived this philosophy to the fullest. They saw a dire need and, rather than turn their back or leave the problem to someone else, they embraced a great challenge and have made an immeasurable, positive, extraordinary contribution. They faced discrimination, rejection and challenge.

Their positive, unflagging, and extraordinary talented effort has resulted in their being embraced by their community, which they have served so well. They brought hope and care and service, and they have enriched the lives of all whom they have touched.

I want to thank Vinod and Ila as well as all the physicians and providers at Shah Associates for the incredible service that they have delivered to residents of St. Mary's County and to the entire southern Maryland area, and, indeed, a broader reach as well.

Dr. Vinod Shah is the vice president of the Association of Physicians of Indian Origin. I presume, in a short period of time, he will be their leader. He will be an extraordinary representative of an extraordinary group of people who, like so many immigrants before them, have responded to America's welcome and have made such an extraordinary difference. We are all the better and healthier for it.

[From washingtonpost.com, Dec. 7, 2007]

BORN IN INDIA, TRANSFORMING RURAL MD.—EXTENDED FAMILY OF MEDICAL SPECIALISTS HELPS ST. MARY'S THRIVE

(By Jenna Johnson)

St. Mary's County was once a place where no doctor wanted to settle. In the 1970s, the county hospital used decades-old equipment, struggled to make payroll and had no full-time specialists—not even an obstetrician, although more than 600 babies were born there each year.

Then came Vinod K. and Ila Shah, Bombay-educated and D.C.-trained husband-and-wife doctors who were eager to open a practice in the rural area. They had heard about St. Mary's from Vinod's younger brother and were enticed by the potential impact that even a small practice could have there.

''It was just like miracle workers walked in,'' said Richard Martin, 92, who was then head of the hospital. ''I told them, 'You are the answer to my prayers.' ''

The couple was soon joined by Vinod's younger brother, Umed K. Shah, a gastroenterologist. Next came two family friends. A few years later, another brother arrived, cardiologist Anil K. Shah, with his wife, Beena Shah, a neurologist.

In time, Vinod and Ila Shah recruited more friends and family, including the rest of Vinod's eight siblings, each of whom is a doctor or is married to one. They built the largest private specialty practice in Southern Maryland, Shah Associates, which has treated about 90,000 of St. Mary's 110,000 residents.

For many years, foreign-born doctors have been the unlikely medical backbone of rural America. In the 1970s, the United States actively recruited them, promoting the opportunities available in remote areas avoided by many U.S.-born physicians. Then, starting in the 1990s, a visa waiver program promised to fast-track doctors to a green card if they worked in a rural area for at least three years.

Today, at least 23 percent of practicing doctors in the United States attended a foreign medical school, and almost all of those practitioners were born overseas. But recent changes in visa policy have had the unintended consequence of slowing the flow of foreign-born doctors to rural areas, a trend that Shah is, in small ways, resisting.

Two generations of Shah doctors see patients who span several generations of Southern Maryland families. ''We come here for everything,'' Navy retiree Paul Hailor said at their main office in Hollywood, Md. ''My fiancee is down the hall waiting for a pulmonary appointment. Kids come here for MRIs, CAT scans.''

Nurses and patients have a system for keeping all of the Shahs straight. They use initials for the four Shah brothers: Dr. V.K. the cardiologist; Dr. U.K. the gastroenterologist; Dr. D.K. the child psychiatrist; and Dr. A.K., another cardiologist. The other Shahs, especially the four with names beginning with 'A,' often go by their first name: Dr. Amish the cardiologist, also V.K.'s son; his wife, Dr. Arpana the dermatologist; Dr. Beena the neurologist; Dr. Jyoti the sleep specialist.

''Every once in a while, we get someone calling in wanting to talk to 'Dr. Shah,' '' said Betsy Warren, a registered nurse who has worked for Shah Associates for 16 years. ''You ask them, 'Which Dr. Shah?' And they say, 'The one with dark hair.' ''

To Southern Maryland, the Shah family has imported distinctive aspects of Indian culture: colorful saris, lavish parties for hundreds stocked with huge trays of vegetarian

Indian food and recitals featuring classical Indian dances.

Family members say it took years to earn the trust of the community, but once they did, the practice quickly grew. Some local doctors who once viewed the Shahs as competition eventually joined the practice.

Each time the nearby Patuxent River Naval Base added employees, the practice received a wave of patients. The practice's offices, where employees had once been asked to park in front so business would appear brisk, were soon overflowing.

In 1995, V.K. Shah found an empty lot on Route 235 in Hollywood. Two years later, he opened the Philip J. Bean Medical Center, dedicating it to a late local physician who he said ''delivered half the county.''

''We said 'Let's name it after someone who means something to this community,' '' Shah said. ''I think people should feel good about this place—it should mean something to them.''

But the facility that felt like a palace then is already too small, and the practice with 65 physicians in 10 locations, is scrambling to recruit more doctors. ''Demand is so high across the board,'' said Shah, 66. ''I can't retire.''

Plans were announced last week for a 32,000-square-foot addition to the medical center. The extra space will allow specialists from Georgetown University Hospital and Washington Hospital Center to practice there as part of a new partnership.

Because Shah Associates provides so much of the medical care in the region, the partnership will allow the universities to study health patterns over generations, said Leslie Miller, head of the cardiac program at both hospitals.

Shah Associates has compiled its patients' medical records into a database that allows it to track the medical histories of families and look for early warning signs in younger generations. Such locally comprehensive databases might one day help researchers better understand such hereditary conditions as heart problems, he said.

''They are a model of the health care of the future,'' Miller said. ''These guys, on their own, using their own money, have put together this extraordinary system. . . . We want to extend what they have done.''

But in many areas that are more rural than Southern Maryland, as in many inner cities, the gap between medical needs and resources remains great, despite government efforts.

In 1994, Congress made foreign doctors who train in the United States while holding a so-called J–1 visa eligible to apply for a green card if they practiced for at least three years in underserved areas. The program, which exempts J–1 holders from a required return home for two years after their training is complete, has placed thousands of doctors in inner-city and rural communities, as well as in prisons.

They continue to flood the United States with residency applications, but each year the program receives fewer applications and fills fewer spots. Last year, only 900 of the 1,620 available waivers were issued.

Rural health experts attribute much of that drop to the popularity of another visa, the H–1B, which allows U.S. companies to temporarily sponsor highly skilled foreign workers in such fields as medicine, architecture and science.

In 2000, to make more H–1B visas available for technology companies, Congress exempted research institutions and universities, including their hospitals, from a cap on the hard-to-get visas. The popularity of the J–1 waiver program plummeted, and the pipeline that once channeled doctors to underserved areas narrowed.

Today, no medical facilities in Southern Maryland are eligible to sponsor physicians under the J–1 waiver program. A majority of the nearly 30 Maryland primary medical care centers designated as having a specialist shortage are in Baltimore. The District has 13 sites, including the D.C. jail. Virginia has nearly 120, two of which are in the Washington area.

With baby boomers beginning to retire, the American Medical Association says, the country could be short as many as 200,000 doctors before 2020—a shortage that is expected to hurt already-underserved areas the most.

V.K. Shah, who is also vice president of the American Association of Physicians of Indian Origin, said a shortage could be prevented by drastically increasing the number of medical schools in the United Sates, relying more on nurses and nurse practitioners or by allowing more qualified international medical graduates to practice in the United States.

But to practice, foreign doctors must first complete training in a U.S. residency program, for which spots are scarce. Last year, 46 percent of foreign applicants received residencies, compared with 93 percent of American graduates, according to the National Resident Match Program, which facilitates the application process for more than 1,000 U.S. institutions.

Each year, Shah Associates hosts a handful of graduates from foreign medical schools, encouraging them to seek opportunities beyond big cities. This summer, four recent graduates of Mumbai medical schools traveled to Southern Maryland on tourist visas for an unpaid crash course in American medicine.

The graduates watched as the Shahs cracked jokes with their patients, reassured them about upcoming operations and gently recommended diet changes. Mitesh Lotia, 24, one of the graduates, said that the one-on-one interaction held great appeal.

''In India, we would see 100, 150 patients a day,'' he said. ''There was no time to get to know patients. I want to practice here. I'll go anywhere.''

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 9 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

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

In the beginning, at the leap of nothingness to material existence, You, the Almighty, acted.

In the desperation of human search for lasting truth, You spoke Your prophetic word.

In the tangled history of nations and faith, You established a new world.

Even in this century, You breathe forth in people the desire for salvation and lasting freedom.

Dear God, be with us today, that Your lasting values may take shape in this Nation. Make this government of the people Your instrument of stability and hope. Abide within Your people as equal justice and incarnate love, both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York led the Pledge of Allegiance as follows:

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

9/11 HEALTH AND COMPENSATION ACT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, last night when Congress passed its year-end spending bill, our Nation took another step forward in caring for the heroes and heroines of 9/11.

By including $108 million for the health needs of the World Trade Center first responders, residents, students, and others exposed to the deadly toxins at Ground Zero, we again show that we will not turn our backs on those who came to New York from every single State in our Nation to help in the aftermath of 9/11.

And in the new year, I look forward to continuing to build support for the bipartisan 9/11 Health and Compensation Act, which I introduced with my colleagues JERRY NADLER, VITO FOSSELLA, and GEORGE MILLER.

Caring for the heroes and heroines of 9/11 is our duty. They were there for us, we were there for them last night in our budget, and we need to be there in the future.

I thank my colleagues for their support, especially for the leadership of Mr. OBEY and Speaker PELOSI.

TAX RELIEF, NOT TAX INCREASES

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

Mr. WILSON of South Carolina. Mr. Speaker, last week the majority forced a vote on a faulty fix to the alternative minimum tax, AMT, that raises taxes

elsewhere. Consequently, this bill had no chance of ever becoming law, and everyone knew it. The Senate resoundingly rejected the tax increase legislation the week before and instead passed legislation that offers a clean fix of the AMT. The majority in the House knew this, and yet they chose to pursue a political statement rather than a solution.

Instead of getting down to business and working with the Senate, House Republicans and President Bush, the majority leadership in the House has failed to repeal a tax that unnecessarily threatens 23 million Americans. Treasury Secretary Henry Paulson has already made it clear that the delay in passing a fix or a complete repeal will cause delays in tax refunds for 50 million Americans. This is the price of inaction. The American people should not have to pay that price. The majority needs to bring a clean AMT fix to the floor, and not another tax increase.

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

PRESIDENT BUSH IS OUT OF TOUCH WHEN HE SAYS THE AMERICAN ECONOMY IS STRONG

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

Mr. WALZ of Minnesota. Mr. Speaker, it's hard for this Congress to get President Bush to prioritize the needs of the middle-class families when he refuses to face reality and chooses to govern by veto rather than vision.

Yesterday, the President surprised a lot of us when he said the economy is perfectly strong. That's news to them. You don't need the polls to tell you that the American people are deeply concerned about this economy. Who can blame them? With home values and wages dropping, and health care costs, home heating costs, gasoline costs, college tuition costs and food costs all rising, the hardworking American middle class is trying to make ends meet.

This Congress is not satisfied with the economic status quo that serves a very few at the very top. We've made progress over the last year easing the economic crunch. We passed legislation to address the subprime mortgage crisis, increased the minimum wage, passed legislation that cut taxes on middle-class families and made college more affordable by investing in our children.

We're proud of these accomplishments, but we know the American middle class is still struggling. And we look forward to working on creative solutions that actually address the problem instead of simply vetoing with no leadership.

POLITICAL GAMES SHOULD NOT STAND IN THE WAY OF PROTECTING AMERICA

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

Mr. BOUSTANY. Yesterday, the Democratic leadership unveiled a half-trillion-dollar spending bill because they were unable to fulfill their constitutional duties.

This spending bill is 3,500 pages long, and the majority gave Members of Congress less than 24 hours to look at it. And that's simply ridiculous. We had less than 24 hours to review a bill funding our national priorities, but chock full with earmarks and frivolous spending, and it failed to go through the proper committee checks. But the liberal leadership of this House added mounds of earmarks for their friends and liberal policies that most Americans do not support.

In all of this spending, however, the glaring neglect by the Democratic leadership is our troops. Those fighting around the world, making us safer from al Qaeda and other terrorist groups, will not receive the necessary resources to continue their mission.

Mr. Speaker, ensuring our Armed Forces have the tools at their disposal to defeat the terrorist threat is one of our responsibilities in Congress. And I urge all of my colleagues to remember that.

THE FIRST STEP TOWARD COMPREHENSIVE ENERGY LEGISLATION

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

Ms. GIFFORDS. Mr. Speaker, I rise today to recognize a historic first step for this United States Congress; it's a step towards energy independence.

The energy bill that we're considering today recognizes a tremendous renewable resource that we literally have at our fingertips, the power of the sun. This bill includes my provisions to authorize new research and development into solar technologies. These technologies have the potential to revolutionize our energy production, not just in southern Arizona, but across this Nation.

As we develop these new technologies, we're going to need qualified workers to install and maintain the latest solar technologies. That is why this bill includes training programs specifically for solar technology.

But this bill is only a first step. I'm disappointed that we're not passing the House's fiscally responsible renewable energy tax policies and the tax incentives that go with this legislation. Those are the incentives that are really going to spur energy innovation, so we're going to continue to work for those.

I support this bill today, but we have a lot more work that we have to do. Mr. Speaker, I urge support on both sides of the aisle.

JUDGES HALL OF SHAME—AUSTRALIA

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

Mr. POE. Mr. Speaker, crimes against children continue to be a crisis in our civilized communities. How society reacts to such crimes is a reflection on the value or lack of value it places on children.

Recently, a 10-year-old girl was raped in Australia by nine males. The victim and the nine rapists were all native-born Aboriginals. The nine deviants were captured, and all nine admitted their guilt. So what did the Australian judge do to these criminals? Well, none of them went to prison. All of them received a suspended sentence, and the judge made the absurd comment at the trial that the 10-year-old girl ''probably agreed to have sex with the perpetrators.'' I wonder what sentence the female judge would have imposed on the nine had the 10-year-old girl been of European descent. A prominent Aboriginal leader said he believed that ''the chronic leniency toward offenders contributes to the abuse of Aboriginal children.''

Mr. Speaker, a society is judged not by the way it treats the powerful or the rich, but how it treats the weakest among its people, like 10-year-old little girls. The judge in this case is a new member of the Judges Hall of Shame. And that's just the way it is.

VETERANS GUARANTEED BONUS ACT

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

Mr. ALTMIRE. Mr. Speaker, today the House will take a huge step towards addressing one of the great injustices affecting our brave men and women in uniform. With today's passage of the Veterans Guaranteed Bonus Act, we will once and for all end the practice of denying combat-injured service men and women their enlistment bonuses that they were promised, that they deserve, and that they have earned.

It defies belief that some of America's combat-wounded veterans were actually sent a bill to repay their enlistment bonuses after they were injured, or that the Pentagon would stop making payments if the bonuses were paid in installments.

The American people were justifiably outraged when this situation came to light. And today Congress is going to do something about it by passing the Veterans Guaranteed Bonus Act. Hopefully, this bill will soon be signed into law and we can demonstrate for our brave men and women in uniform that this Congress will support our troops with our actions, not just our words.

GREAT PLACES TO RAISE KIDS FOR LESS—NEBRASKA

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

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to congratulate 11 Nebraska towns for being named ''Great Places to Raise Kids for Less'' by Business Week Magazine.

Anyone who has ever been to Nebraska knows it's a great place to raise a family. Now it looks like others are finding out, and I hope the rest of the Nation takes note.

Nebraska boasts 11 of the 50 places in the United States which offer kids and their parents the right combination of safety, community, and education. I am also proud to point out that out of those 11, seven are in Nebraska's Third Congressional District, which I have the honor of representing.

So congratulations to the towns of Davenport, Loomis, Diller, Petersburg, Bartlett, Lawrence and Arapahoe for showing the rest of the country how good Nebraska's good life can be.

FCC NEEDS TO LISTEN TO THE AMERICAN PEOPLE

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

Mr. INSLEE. Mr. Speaker, today the Federal Communications Commission may do violence to its own name. The idea of communication is that you speak, but you also listen. And in a stunning act of bureaucratic arrogance, the FCC today may refuse to listen to the thousands of Americans who have told them to listen to America and not change the media consolidation laws.

The FCC went out and held these hearings, including in Seattle, Washington, where thousands of people came and told the FCC in no uncertain terms that their arrogant effort to remove these productions for the first amendment could not stand, and yet they refused to listen to Americans who told them that.

We know that when we lose access to information, democracy suffers. I hope the FCC today might have second thoughts and decide that part of their job is listening to the American people, in fact, the highest part of their job. And we're going to do everything we can, if they do this today, to stop in the tracks this effort to undo protection against media consolidation.

□ 1015

THIRTEEN-FOLD FLAG RECITATION

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

Mr. BROUN of Georgia. Veterans service organizations across the Nation often provide funeral honors at national cemeteries, including the folding and presentation of the flag, the recitation of the flag-folding steps, and playing of Taps.

As you may know, for a very brief period recently, the Veterans Affairs prohibited the flag-folding step, known as the 13-fold flag recitation, at funerals. In response to national outrage, the VA issued a letter to all cemetery directors in the National Cemetery Administration that states that 13-fold flag recitation will be allowed at veterans' funerals.

While I commend this decision, the policy will allow employees and volunteers to recite the ceremony only if requested by the veterans' grieving family members. Families should not have to remember to request the 13-fold flag recitation. The recitation of flag-folding steps should be proactively offered.

The choice to have the flag-folding ceremony read aloud should belong to the family of the deceased. That is why today I am introducing a resolution that requires the VA to offer families the choice of whether or not to have the ceremony and let the decision rest with the families and not with the bureaucrats here in Washington.

FINAL OMNIBUS BILL IS A SIGNIFICANT IMPROVEMENT OVER THE PRESIDENT'S BUDGET REQUEST

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

Mr. YARMUTH. Mr. Speaker, last night this House acted in bipartisan fashion to reject some of the President's harmful budget cuts to important education programs. Had this Congress simply rubber-stamped President Bush's budget, education funding would have been slashed by $1.2 billion, including a 50 percent cut in vocational education and the elimination of every student aid program except Pell Grants and Work Study.

This House rejected those cuts. Instead, we invest $767 million more than the President's request for K–12 education, including targeted increases in special education, teacher quality grants, after-school programs and Head Start. We invested $575 million above the President's budget for technical training in high schools and community colleges. And we provide $1.7 billion more than the President for Pell Grants and other student aid programs.

Mr. Speaker, this new Democratic Congress has prioritized the needs of children and young adults by investing in their education so they can better compete in an ever-expanding global economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). The rules of the House stipulate that Members are to keep the well cleared when another Member is under recognition.

IT IS TIME TO LIFT THE TRAVEL BAN TO CUBA

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

Mr. FLAKE. Mr. Speaker, in the past 24 hours, we have heard word from Cuba that President Fidel Castro does not plan to return to power. This is good news, I think, for all of us. And this is not a surprise to those of us who have been watching Cuba. But here we are, as Americans, on the sidelines again still. For the past 40 years, we have been on the sidelines offering no influence whatsoever in what happens in Cuba.

This is a travesty, Mr. Speaker. It is time for a get-tough policy with Cuba. It is time to allow Americans to travel there and spread freedom and influence. If we lift our travel ban, some say that Cuba will simply impose their own on us. But if somebody is going to limit my travel, it should be a communist, not my own government. We should let freedom ring here, and it will soon ring free in Cuba.

ARMED SERVICES AND NATURALIZED CITIZENS

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

Ms. SOLIS. Mr. Speaker, today I rise to recognize all our service men and women, especially those celebrating the holiday season away from their families and friends. This past Saturday, I had the honor of welcoming home 200 soldiers who served in the 115th U.S. Army Unit located and based out of South El Monte. These are two young gentlemen that I happened to meet earlier this year in Iraq on a recent visit. I was delighted to see that they were home. Many had already spent two or three tours there. In fact, I would like to have the House recognize that there are over 600,000 immigrants currently serving in our Nation's Armed Forces; 35,000 of those have pledged their service and loyalty to our country in spite of not being citizens.

I am particularly proud of this young gentleman, Jose Diaz, a resident in the 32nd Congressional District, who came, communicated in my office and said, Congresswoman, I want to become a citizen. We helped to expedite his paperwork while he was serving abroad. I was also happy to see him this Saturday at a homecoming for his family.

I say this today to you, Members, because in the holiday season, we need to remember all of our brave soldiers, men and women who are currently serving us across the country, and I would ask all of you to please remember them in your prayers.

THE OMINOUS OMNIBUS BILL

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

Mr. PENCE. At 3,500 pages, 34 pounds, members of the minority had roughly 1 day to review its contents. Mr. Speaker, here comes the bus. But the American people don't want this Congress to get on. Last night, the House passed a massive omnibus spending bill that gives deafening evidence that this government is broken. This budget process is broken.

I want to commend men and women of good will in this Congress who improved this bill along the margins, but $515 billion without a penny for Iraq is wrong and evidence that the budget process is broken. $515 billion with $10 billion in budget gimmicks and hundreds of unexamined earmarks gives evidence that this budget process is broken.

President Reagan said it 20 years ago from this podium. He said: ''The budget process is broken down; it needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas.'' He added: ''Budget deadlines delayed or missed completely, hundreds of billions worth of spending packed into one bill, and a Federal Government on the brink of default.''

The more things change in Congress, the more they stay the same. Say ''no'' to the ominous omnibus bill.

OMNIBUS SPENDING BILL ADDRESSES INFRASTRUCTURE NEEDS

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

Mr. CUELLAR. Mr. Speaker, I rise today to support the passage of this year's omnibus appropriation bill which covers 11 appropriations bills that were passed by the House of Representatives earlier this year. The omnibus appropriation bill includes language from my bill, H.R. 2431, the Border Infrastructure and Technology Modernizations Act of 2007, which authorizes appropriations for a nationwide strategy to address infrastructure needs at the land ports of entry.

The language from H.R. 2431 that was included in the homeland security section of this bill requires an assessment to study to identify ports of entry infrastructure and technology improvement projects to minimize border-crossing wait times at our Nation's ports of entry. I worked in a bipartisan way with my cosponsor of this legislation, Congressman REHBERG, and I want to thank him for his leadership on this effort.

Mr. Speaker, I also want to give my sincere thanks to the chairman, Mr. OBEY, of the House Appropriations Committee and Chairman PRICE for including this language.

FINAL OMNIBUS BILL IS A SIGNIFICANT IMPROVEMENT OVER THE PRESIDENT'S BUDGET REQUEST

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

Mr. MURPHY of Connecticut. Mr. Speaker, we need a tear-down reform of our national health care system. But until we do that, we have an obligation to fund the providers and institutions that make our system work despite the system. That is why I am so proud of the budget passed by the House last night.

President Bush's budget would have required cuts of 800 grants for medical research at the National Institutes of Health. He would also cut programs that provide access to health care by $595 million and rural health care initiatives by more than 50 percent. We rejected those cuts last night in a bipartisan fashion. We approved a bill that included $607 million above the President's request for critical medical research. And we approved money for community health centers so that they can provide access to 280,000 more uninsured Americans. Finally, we approved $147 million above the President's budget request for rural health care for those critical access projects.

Mr. Speaker, the health of the United States is stronger today because of the budget we passed last night.

THE ENERGY INDEPENDENCE AND SECURITY ACT

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

Mrs. CAPPS. Mr. Speaker, today the House will be voting on the Energy Independence and Security Act. With this legislation, the new Democratic Congress is leading America in a new direction on energy policy, the most significant energy bill in a generation. We are taking a major step toward ending our dependence on foreign oil by increasing efficiency standards for cars and trucks for the first time in 30 years. This will reduce America's need for oil by 1.1 million gallons per day, cut millions of tons of global warming pollution, and save families up to $1,000 every year.

The bill implements landmark energy efficiency standards for appliances, lighting and buildings, which will save American families and businesses billions of dollars in unnecessary energy costs. Finally, the bill boosts the production of environmentally protective home-grown biofuels such as cellulosic ethanol.

We can and we will do more: promote solar, wind and other renewable energy sources, for example. But this legislation finally begins to address high gas prices, America's oil addiction and the global warming crisis. It will help create hundreds of thousands of jobs in clean energy technologies. So I urge my colleagues to join me in supporting a new direction of energy. Vote for H.R. 6.

HONORING THE MEMORY OF CONGRESSWOMAN JULIA CARSON

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

Mr. ELLSWORTH. Mr. Speaker, I rise today in sadness, but also to honor the life and memory of the gentlewoman from Indiana that passed this week, Congresswoman JULIA CARSON. JULIA will be remembered as a political trailblazer, a tireless advocate and dedicated public servant to the people of Indiana.

Her life was a shining example of the power of the American Dream: rising from the humble beginnings of poverty and segregation to become a leading champion for civil rights, women's rights and the working poor in this House. She leaves behind a legacy of standing up for those most vulnerable among us. But most of all, JULIA accomplished what we should all strive to do. She left the world a better place than what she found it. She will be deeply missed by this House, by me, and by the people of Indiana. Our thoughts and prayers are with her family and friends during this difficult time.

PRESIDENT BUSH IS OUT OF TOUCH WHEN HE SAYS THE AMERICAN ECONOMY IS STRONG

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

Mr. PERLMUTTER. Mr. Speaker, President Bush has to get out of the White House a little more often so that he can see firsthand how average Americans are struggling to make ends meet during this holiday season. Over the past 7 years, the President has presided over an economy in which the poverty rate has gone up and household incomes have gone down. The average family is making less today than they did last year, while at the same time, everyday costs for food, home heating oil, gas, college tuition and health care skyrocket out of control.

Former Fed Chairman Alan Greenspan voiced concern this weekend that the economy may be heading into a recession early next year. Despite all of these warnings, President Bush stood before the American people and proclaimed that the American economy was strong and pointed to the tax cuts of his first term as a reason for this strong economy.

Well, the President needs a reality check. It is time for the President to recognize that the struggles of average working families are here to stay and he needs to check them out. Together,

we can address those concerns, and we wish to work with him.

THE FINAL OMNIBUS BILL IS A SIGNIFICANT IMPROVEMENT OVER THE PRESIDENT'S BUDGET REQUEST

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

Mr. PALLONE. Mr. Speaker, at the beginning of this year, the Democratic Congress proposed a 2008 budget that was both fiscally responsible and reinvested in long-forgotten domestic priorities. All year President Bush has stubbornly said that he will not sign any appropriations bill that was higher than his budget request. So after months of working with our Republican colleagues, we approved an omnibus spending bill last night that fits into the President's funding levels, but addresses important Democratic priorities.

At a time when crime rates are increasing all around our country, we invest $1.2 billion over the President's budget to help local communities make their neighborhoods safer. At a time when significant infrastructure improvements are needed to prevent more bridges from collapsing, we invest $1 billion to make our bridges safer. And as Americans continue to pay record prices at the pump, we invest an additional $486 million in renewable energy and energy efficiency.

Mr. Speaker, this final omnibus bill invests in critical priorities that were ignored in the President's budget.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 6, ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 877 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 877

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment to the text, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

SEC. 3. On the first legislative day of the second session of the One Hundred Tenth Congress, the House shall not conduct organizational or legislative business.

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

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

GENERAL LEAVE

Mr. WELCH of Vermont. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H. Res. 877.

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

There was no objection.

□ 1030

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 877 provides for the consideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, and to promote research on and deploy greenhouse gas capture and storage options. In short, it's a comprehensive energy bill.

The rule makes in order a motion by the majority leader that the House concur in the Senate amendment. The rule waives all points of order against the motion except clause 10 of rule XXI. The rule provides 1 hour of debate, controlled by the majority leader and the minority leader.

Mr. Speaker, this is historic legislation. Today, we will move from a policy of dependence on foreign oil, a policy of endless drilling, to a policy of independence and efficiency. It's a policy that is overdue. It's overdue for the health of the American economy, the health of the world environment, and for the strengthening of our foreign policy options.

Mr. Speaker, as you know, the American economy is being hit very hard by spiraling fuel prices. Around the country, families are sitting around their kitchen tables wondering how they are going to afford their fuel bills this winter. In December of 2002, just a few years ago, the price of a gallon of gas was $1.48. It's now $3.09. Five years ago, in Vermont it cost a family about $600 to heat their homes. Now, it's about $1,500.

Our current energy policy of spiraling costs, environmental degradation, and increasing dependence on people who are not particularly our friends is weakening America, harming our environment, and stretching the budgets of our families.

Mr. Speaker, this bill addresses each and every one of these problems. It's fiscally responsible. It starts by repealing some, but not all, of the big oil and gas tax giveaways and reinvests that money to ensure energy independence. It increases fuel efficiency standards, and this is probably the single most important provision of this bill. The last time this Congress increased fuel efficiency standards was 32 years ago, and since that time the American auto industry has lost market share. The cost of operating a car has increased. What this bill does, which is historic, is increase the mileage standards by 40 percent so that the fleet-wide average in 2020 will be 35 miles per gallon.

That is the first real step toward fuel efficiency in those 32 years. It's going to save American families $700 to $1,000 at the pump; it's going to produce $22 billion in net annual savings for consumers by 2020; and through the application in this legislation of efficiency standards, which essentially is that you make a toaster that uses less rather than more energy, and other appliances the same, it's going to save consumers $400 billion through 2030.

Mr. Speaker, this bill is long overdue, and it is a declaration of independence from the old energy policy that had us relying on people who were not our friends to supply us oil that we were addicted to, at prices that we could no longer afford. Today, we are going to turn the corner, and the American people are going to see direct results in our economy, in our environment, and in our security as a result of this landmark legislation.

I urge my colleagues to support the rule and the underlying bill.

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

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank the gentleman from Vermont (Mr. WELCH) for the time, and I yield myself such time as I may consume.

It is our duty to do all we can to provide future generations a better world in which to live. Our Nation has made great strides in protecting human health and the environment, but there is still much more to do. We must continue to decrease carbon emissions and invest in multiple forms of energy-efficient technologies to help preserve the environment and lessen our dependence on foreign energy sources.

For our national security, we must make investments to increase clean energy sources and increase domestic energy supplies. From 2001 to 2006, Republican-led Congresses invested nearly $12

billion to develop cleaner, cheaper, and more reliable domestic energy sources. They included the development of biofuels such as cellulosic ethanol, advanced hybrid and plug-in, hybrid electric vehicle technologies, hydrogen fuel cell technologies, wind and solar energy, clean coal and advanced nuclear technologies.

The underlying legislation, the Renewable Fuels, Consumer Protection and Energy Efficiency Act of 2007, further promotes research and development into next-generation energy resources such as solar, wind, geothermal and marine energy. Furthermore, it authorizes almost $3 billion for energy storage and development programs to make renewable energy sources more effective. But we must keep in mind that right now, alternative fuels will not eliminate the need for traditional energy sources, and without additional supply, the tight market conditions that have put pressure on prices are going to persist.

I am pleased that incentives for the domestic production of oil and gas have been retained in this final legislation. These incentives are aimed at reducing U.S. dependence on foreign oil by encouraging domestic exploration and production of oil and natural gas. Removal of these incentives, which were included in earlier versions of this legislation, would have driven up the costs of oil and natural gas to American consumers even further and increased our dependence on foreign suppliers such as the strongman/clown in Venezuela, Hugo Chavez.

I am also pleased that a provision that would have taxed domestic oil companies at higher rates than the Chavez-controlled oil company was removed.

This legislation also provides for the H-Prize. The H-Prize will award cash prices to individuals, universities and businesses making significant advances in the field of hydrogen energy. Hydrogen is a clean domestic energy source that produces no emissions other than water. The use of hydrogen as an energy source will simultaneously reduce dependence on foreign oil and emissions of greenhouse gases and other pollutants.

Unfortunately, this bill has taken almost a year to make it to the President's desk because the majority decided to shut out the minority from deliberations for much of the year. When this bill first came before the House in the opening days of the 110th Congress, the majority blocked all amendments with a closed rule. In August when we considered H.R. 3221, the majority shut out over 90 amendments and allowed only five minority amendments out of 23 amendments. Just last week, we considered Senate amendments to H.R. 6, and once again the majority blocked the minority from providing amendments. If the majority had just decided to follow its campaign promise and allow the minority to participate in the formulation of this legislation, this bill could have been signed into law months ago.

I would also point out that the majority brings this legislation to the floor as a Senate amendment instead of as a conference report. As such, it fits into one of the loopholes of the majority's earmark rule, just as it did last week. Because the earmark rule did not apply to the legislation last week, it wasn't possible to find out that the bill contained earmarks until after the bill passed the House. So we wonder if the legislation we are considering today also contains earmarks. Unfortunately, we will not know, because the legislation is not subject to the earmark rule.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I thank the gentleman for yielding time.

Today, I rise in strong support of the rule and H.R. 6. H.R. 6 will lower energy costs, strengthen our national security, reduce global warming emissions and create green collar jobs. The bill recognizes that energy policy is not only about improving the infrastructure, but also about creating economic opportunities for all.

Major investment in renewable energy could create 3 million green jobs over the course of 10 years. These jobs can lead to self-sufficiency, prosperity, higher wages and access to benefits and better career choices. These jobs will stay in the U.S. and will not be outsourced.

I am proud that the bill authorizes $125 million for workforce training and green collar jobs which includes Pathways Out of Poverty grants, so that as Silicon Valley advances, so will people in East Los Angeles, the Bronx and the Midwest.

The bill says to American workers, particularly urban and rural workers, there is a place for you in the green economy. I urge passage of the rule and passage of H.R. 6.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 4 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding.

Mr. Speaker, I intend to vote ''no'' on this rule as well as the underlying bill, and I want my reasons for doing so to be a matter of public record, because I believe that this vote will come back to haunt many Members, maybe in 3 years, maybe in 5, maybe in 10, but at some point.

This is actually not an energy bill, it is simply a CAFE bill, and so it should rightly be called the ''how Congress destroyed the domestic auto industry bill.''

Let's consider for a moment that the domestic auto industry is the only carbon-restricted industry in our Nation, and this bill certainly continues that unfairness. In fact, under this legislation, the domestic auto industry will almost entirely shoulder the burden for this Congress so that we can say we are reducing CO_2 emissions, even though the auto industry is responsible for less than 20 percent of that.

This bill attacks the domestic auto industry because they are a very easy target. In fact, it is just the ''weak chicken'' scenario, and all the other chickens in the barnyard, including the oil industry and the natural gas and the utilities and coal, are all pecking the domestic auto industry to death, because by doing so they can avert any such government sanctions against themselves. And I mean that literally, because it is estimated that the cost to comply with this energy bill with these new CAFE mandates, it is going to cost the domestic auto industry $85 billion. $85 billion from an industry that is struggling just to survive right now with all the unfair trade practices and the legacy costs that they face. And if you don't believe me, just read the Detroit papers today to get a clear vision of exactly what is happening in the domestic auto industry.

But instead of spending all of those dollars on R&D and manufacturing vehicles that will truly reduce our addiction on foreign oil, like lithium ion batteries, or flex-fuel or hydrogen fuel cells, we are going to mandate higher CAFE standards, continuing to use an antiquated approach and an antiquated model that we started in the 1970s. The result of that has actually been that our consumption of oil since we have had these CAFE standards has doubled. It is very hard to say the CAFE mandates have been a success. Really, so what if thousands of jobs are lost in the domestic auto industry? Some in this Congress would say that we did it to ourselves.

And this bill will allow some to thump their chest. But, Mr. Speaker, it is a very hollow thumping, just to say they are green, because we should remember the entire history of the domestic auto industry and what it has meant for this country. Not just because it created the middle class in a State like Michigan, or because after 9/11 when the domestic auto manufacturers immediately offered zero-interest financing to keep the plants running and people buying cars so that our national economy would not succumb to the terrorists as they had hoped. But also because during World War II, Michigan was known as the ''arsenal of democracy,'' because we had the manufacturing capability to build the armaments that literally led the world to peace and to keep our Nation free.

□ 1045

We didn't even build cars for 2 years then because we were so busy building tanks and planes and Jeeps. We were totally engaged in the war effort and protecting freedom and liberty and democracy. And in the future when our

country needs that capacity again, and we will, we will find that we will be at the mercy of countries who either manufacture their vehicles cheaply in their own countries and import them to us, or they will build their product here but, the company's ownership is foreign, countries like Japan or Korea or China. And will our national interests match theirs? We had better hope so.

Mr. Speaker, I ask my colleagues to vote ''no'' on this rule and on the underlying energy bill.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

I listened to my friend from Michigan, and in one respect I think she is right: there will be people who will be haunted by the bill that we are voting on here today, but not because it goes too far, but because it doesn't go far enough. I am confident, under the leadership of Speaker PELOSI and the commitment that we have by the American people, that we will go back to the comprehensive energy bill that we had a few moments ago.

I find it ironic talking about the CAFE standards and the problems. Now we see the American auto industry is reluctantly accepting to do in this country what they are already doing in Europe. And, frankly, if they don't get it right in terms of fuel efficiency, there is nothing that we are going to be able to do to bail them out, and they will continue to lose market share to foreign companies that are more energy efficient.

I am pleased that this bill contains provisions I have worked on to align the interests of the natural gas companies to promote energy efficiency rather than penalizing them for conservation. I am pleased that we are going to have increased energy efficiency for light bulbs, appliances, buildings, and government agencies. All of these are starting to lay the foundation for legislation that is long overdue.

I am sad that it does not include the renewable energy portfolio standard which half American States, and the public is already represented by States that have galloped ahead of us, and it is unfortunate that the Senate could not deal with the tax provisions that would have put government subsidies for emerging renewable technologies that need that government support to turn a profit and come to scale, and instead continue to lavish subsidies on the petroleum industry that frankly doesn't need it to turn a profit. But these we will return and address.

I am pleased that this is an important step in the right direction and urge support of the rule and the legislation today.

Mr. LINCOLN DIAZ-BALART of Florida. It is my pleasure to yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to, I hope, bring some balance to this debate. I was stunned in my office listening to the opening comments that it is going to be a new era in America on energy prices.

Americans are struggling to heat their homes. Americans are struggling to have fuel to drive their cars affordably. Companies all across this country are struggling to make a profit because of energy prices. And the bill before us will not change that in the next 3 to 5 years.

I don't oppose better CAFE standards. It takes 2 or 3 years to design new cars, other years to build them. You are 4 to 5 years away from people. And the poorest among us seldom ever own a new car with high efficiency standards, the poorest among us.

Folks, America needs more affordable energy. We have the highest energy prices in the world because of this Congress, because we have locked up natural gas reserves, we have locked up oil reserves. We have not allowed the movement that should be in coal-to-liquids and coal-to-gas, and there has been resistance to expanding nuclear which provides the vast majority of America's energy. I hope renewables become a major force, but it will be years if not decades.

Today, Americans need affordable gasoline. They need affordable diesel fuel to fuel our trucks. They need affordable home heating fuel to heat their homes. They need affordable natural gas. And this bill does nothing for any of those.

The ethanol, biofuels, the second part of this bill, it is futuristic. We now have 7 billion gallons; that mandates 36 billion. It limits 15 to corn. And we know that corn was $1.80 when it started; it is $4.37 today, and rising. It is going to raise food prices. God forbid we get dependent on corn and we have a bad crop year. We will have high-cost food and unaffordable energy.

Now, I am not saying we shouldn't do that, but we should do it carefully. But we can't build America's energy future on CAFE standards. I am all for the fuel efficiency appliances. It takes years for that to happen. Americans today expect more from this Congress. High oil prices on the backs of Congress because we locked it up. Clean green natural gas, the affordable fuels that Americans should be using in greater quantities if it were affordable. $11.37, it spiked a couple bucks in the last couple days because it is cold and we are starting to use a lot of gas. Natural gas is used in heavy amounts to make ethanol, almost an even swap. Natural gas is what will be the hydrogen car if we get there.

Folks, we need affordable energy that runs 90-some percent of this country's energy needs, and we are ignoring it. This bill does nothing. The big bill that we voted on last week did nothing. Natural gas supplies need to be increased; oil supplies need to be increased in this country so we are not buying it from foreign countries. Coal-to-liquid, coal-to-gas needs to be advanced like we are force-feeding cellulosic ethanol. I am not against cellulosic ethanol. It is being sold to do most of the 36 billion gallons, and it is still in the laboratory, folks. I hope it comes out. I hope we build a successful plant. But it won't be this year; it won't be next year. It will be down the road.

People are struggling here in 2007, and 2008 coming, to heat their homes; and they are going to struggle in rural America to drive their car a long distance because they have to drive everywhere, they don't have mass transit. They need money to run their families, and energy costs are robbing them of their ability. Fifty-eight degrees was common for seniors in my district. That is because they couldn't afford more energy.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I feel passionately enough about renewable energy to have spent most of my career developing it, and I know firsthand that clean energy is an economic reality. Because of this, I will continue to fight for renewable energy standards and important tax incentives that are not included, but should be included, in this bill. However, I believe that H.R. 6 will create jobs here at home and is an important first step for greater energy independence and a green future.

H.R. 6 raises our fuel economy standards, stimulates energy efficiency, and allows the development of exciting clean energy technologies, such as the language I wrote to stimulate the development of geothermal energy technologies. New geothermal energy technologies have the potential to generate vast amounts of clean, domestically produced electricity, and we should begin research immediately. I support H.R. 6.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, we are starting a clean energy revolution today. It is not the end of that revolution, it is not perhaps even the beginning of the end of that clean energy revolution, but it is the end of the beginning for two important points.

First, we are starting a revolution in transportation today in the United States, and exhibit A in that regard is the GM Volt. The GM Volt, which GM hopes to have in mass production, is a plug-in hybrid car. You plug it in at night, you drive it for 40 miles just on electricity, zero gasoline, and after 40 miles you use a hybrid train with gasoline and someday cellulosic ethanol for the remaining part of your range.

Our corporate average fuel economy standards, which we make the first

strides in in three decades, will enhance the opportunity for Americans to have not just a few miles here or there per gallon, but a revolution in transportation.

This car will get over 100 miles per gallon of gasoline. This car will operate all on electricity for the first 40 miles. It is this revolutionary attitude that we need to have in America, and we make the first steps, and the first shots in that revolution are fired today.

But it is not the end of that revolution, because we have much more to do. We did not succeed this week in advancing renewable energy to have 15 percent of renewables. We did not succeed this week to advance tax relief for those emerging new businesses.

But exhibit A, on the renewable energy front, is a picture of the solar thermal array produced by the Austra Energy Company. This company this last month signed enough contracts for 500,000 homes to be heated by solar thermal energy which, within the decade, will be price competitive with coal-based energy if we succeed in our next steps in this clean energy revolution. That is why we will be back next year to have the true clean energy revolution America deserves.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I thank the gentleman from Vermont for yielding. I rise in support of this rule and the underlying bill, H.R. 6, the Energy Independence and Security Act. This legislation represents an historic opportunity to move our country towards a secure future. The bill marks a turning point in this Nation's history and moves us towards energy independence.

Energy security is something that my constituents in New Hampshire take very seriously. And although this legislation is not perfect, because it doesn't go far enough, we need a renewable portfolio standard that is a national standard. Industry recognizes that. The voters and the markets are ahead of the politicians on this. This bill is the start of a 21st-century energy policy for America.

With this bill, Mr. Speaker, we take a firm stand for real security, for healthy families, for a thriving economy in a competitive global market, and for a sustainable future for our planet.

Energy policy is the key to our national security. Our real security requires energy independence. We require new green jobs and an aggressive program to deal with global warming. We need this bill to start to protect our country and strengthen our economy. I ask all of my colleagues to cast their vote with America's future in mind.

Mr. WELCH of Vermont. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts, the chairman of the Select Committee on Energy Independence and Global Warming, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman from Vermont.

Ladies and gentlemen, today is an historic day. It is the day when we begin to take seriously the issue of energy dependency and the issue of global warming.

The legislation that we have before us today is the culmination of a vision which Speaker PELOSI had as she was sworn in almost 1 year ago. She announced at that time that her goal was to make a huge down payment on the issue of energy independence and global warming. Today, we vote to pass the legislation which will send a signal not only to the citizens of our country but to the citizens of the world that our Nation is now serious about these issues.

□ 1100

I want to compliment Chairman JOHN DINGELL of the Energy and Commerce Committee for his statesmanship and leadership on these issues throughout this year.

I want to compliment all of the Members on both sides who have worked so hard to bring us to this point. It has not been easy.

For this decade, I have worked very hard in order to raise by 10 miles per gallon the fuel economy standard of the vehicles of our country. Back in 1985 we reached a peak of about 27 miles per gallon. Since that time, we have gone backwards. In fact, during that period of time we have actually seen an increase in America's dependence on imported oil go from 27 percent of the oil which we consume in our country to 61 percent of the oil that we consume in our country. That is since 1985. And that has sent the wrong signal to OPEC and to the rest of the world.

Today, in this legislation, we increase to 35 miles per gallon the fuel economy standard of the vehicles that we are going to drive by the year 2020. In conjunction with the cellulosic fuel component, the biofuel component that is built into this legislation, by the year 2030 this bill will back out the equivalent of twice the amount of oil which we import from the Persian Gulf today.

What we have today, is this whirlpool within which the United States has caught itself where we send nearly $150 million a day to the Persian Gulf to purchase the 2.2 million barrels per day that we import out of the Persian Gulf to bring to the United States. That is $55 to $60 billion a year that we are sending over to parts of the world which we should have no business in. And caught in that whirlpool are our young men and women in our military who are over in the Middle East protecting this oil supply so it can come to our country.

And for the first time the American people are now going to be made part of this effort. We no longer are going to pretend that the efficiency of the vehicles which Americans drive has no relationship to this amount of money that we send to the Middle East and the number of troops that we have to send to the Middle East.

So this is going to be a very powerful message: 2.7 million barrels of oil a day from the Middle East not having to be imported by the year 2030 because of the increase in fuel economy standards; 1.8 million barrels of oil per day in equivalence of oil in now biofuels, cellulosic fuels, that will substitute for the oil that we otherwise would have to import from the Middle East.

Together that is over 4 million barrels of oil a day equivalent. What a tremendous victory for the American people here today. Everyone in our country will now be part of it. Rather than in the Middle East, we will produce the fuels in the Middle West in our country and stop pretending that we can't improve the efficiency of the vehicles we drive.

Secondly, this legislation will in fact reduce by nearly a quarter all of the greenhouse gases that the United States has to meet as a goal by the year 2030. So on climate change, energy efficiency will play a huge role in reducing the amount of greenhouse gases that the United States sends up into the atmosphere. The buildings will be greener. The lighting and appliances will be better. And because of fuel efficiency and renewable fuels, we will reduce by the amount of 100 coal-fired plants the amount of greenhouse gases we will send up into the atmosphere. What a victory. What a day the United States Congress will enjoy today.

I congratulate Speaker PELOSI for her work on this legislation. I congratulate my colleague TODD PLATTS, and all of the Members who have worked on it. I salute President Bush for saying that he will sign this legislation. It is an historic signal. And I urge all of the Members who are here to realize that this is a moment that will be remembered forever as the energy revolution day, as the climate change revolutionary day where we changed course and sent a signal to the world that we mean business.

So, ladies and gentlemen, please today vote ''aye'' and join with Speaker PELOSI, with HARRY REID and President Bush in this effort to change the direction of our country. It is a monumental day.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

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

Mr. GENE GREEN of Texas. I thank my colleague from the Rules Committee for allowing me to speak.

I have to admit, it is not very often I follow my colleague from Massachusetts and support a lot of what he said. The legislation before us today is the result of almost a year of hard work

and negotiation to compromise by the new majority to produce an energy bill that helps address the serious concern of climate change in our Nation.

For the first time in over 30 years, Democrats increase the fuel economy standards by 40 percent, as well as increase energy efficiency requirements and promote research and development of alternative sources of energy.

Speaker PELOSI, Majority Leader HOYER and Chairman DINGELL deserve special praise for their work in crafting this historic legislation.

Almost as important as what is included is what is not included. H.R. 6 omitted provisions from the previous energy bills that I feared could raise the cost of energy for consumers, including a Federal renewable electricity standard, new taxes on the energy industry outside of those carefully negotiated in the original H.R. 6 from January of this year that could tilt the competitive playing field against U.S. companies, and provisions that could hamper domestic oil and natural gas production. These changes are commendable and represent a more balanced proposal which I support.

What was unfortunately omitted was the opportunity to create a balanced energy policy that invests in our energy future without ignoring America's energy needs today. Energy security cannot be achieved by alternative energy and conservation alone.

The Energy Information Administration predicts that natural gas, oil, and coal will comprise approximately the same share of our total energy supply in 2030 as they did in 2005, even with new investments in renewable sources of energy.

Comprehensive energy legislation must be enacted that will increase America's domestic energy supply, particularly clean-burning natural gas which will play a critical role in reducing our greenhouse gas emissions.

What's also lacking was the debate on renewable fuel standards, RFS, a provision not moved through the regular process of the House and that lacks a clear mechanism to reduce the mandate prior to taking effect in the case of environmental challenges, technological, feasibility or supply issues, or other adverse consequences.

There is no shortage of literature detailing the negative environmental impacts of corn-based ethanol, its questionable greenhouse gas emission reductions, its reduced fuel efficiency, and its effect on food and energy prices.

I hope in a few years down the road we don't find ourselves asking whether the supposed cure for our oil addiction is not worse than the disease.

In closing, I believe as Democrats we can craft a sensible energy policy that actually enhances our energy security. I hope our House leadership will continue to try to work with Democrats and Republicans together to address America's need to produce additional domestic energy, both conventional and renewable, and to ensure the reliability and affordability of our Nation's critical energy supplies.

[From the Houston Chronicle, Dec. 8, 2007]

ENERGY POLICY

The energy bill passed by the U.S. House last week is more a political statement than a blueprint for U.S. energy policy. Titled the Energy Independence and Security Act, it misses many chances to attain those goals.

The bill's best feature is the requirement that automakers have a fleet average of 35 miles per gallon. The measure's proponents say the higher mileage standard would save the United States 1.1 million barrels of oil per day—about half of what the country imports from the Persian Gulf. With populations and demand for energy growing, more efficient cars and SUVs are essential.

The bill's reliance on the use of ethanol to cut crude imports is suspect, however. Most ethanol here is made from corn. The present mandate for gasoline blenders to use ethanol has driven up food prices, but the nation hasn't enjoyed a significant net gain in energy. The bill aims to force the development of efficient cellulosic ethanol, but the technology might be slow in coming. If House Democrats wanted to increase use of efficiently made ethanol, they would eliminate the tariff on imported ethanol made from sugar cane.

A requirement that utilities produce 15 percent of their electricity from renewable sources is arbitrary and does not suit every locality, but it would prompt market solutions. Texas, one of the leading producers of wind power, has a 5 percent renewable requirement, and the state's economy and consumers have benefited.

President Bush has voiced objection to the bill's new taxes applied to the oil industry, and he has good reason. Does it make sense to raise the tax burden on the companies that produce and distribute the energy the nation's prosperity rests on? The oil industry should be taxed as near as possible in the same manner as other corporations.

If Congress wanted to increase domestic oil and gas production, as it should, it would allow responsible drilling on the Atlantic and Pacific coasts. There is no reason the Gulf of Mexico should bear the strain of providing the nation's only offshore energy.

Perhaps one day the Democrats and Republicans in the House and Senate will agree on a compromise that would enhance efficiency and the nation's energy supply. For that to happen, both parties must decide policy based on the common good rather than on narrow competing interests.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that the well is to remain clear while another Member is speaking.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we have heard about the CAFE standards. Most of us think they are a good idea and that that will help us conserve more energy.

But the truth is we shouldn't be paying the highest natural gas prices in the world when we have perhaps the first but at least the second most generous deposits of natural gas in the world. We have perhaps the most coal in the world, and we could be using it. We could be driving down the cost of energy if it were not for the policies that were put in place this year.

Now, this bill doesn't help that. In fact, it drives prices the other way. I understand, I have some colleagues in here who believe that if we can drive the price of gasoline high enough, drive the price of carbon energy high enough, then the alternatives become the way to go and everybody goes to them more quickly. I understand that.

Some of us, though, like me, believe that a free market will drive the prices and drive the market in the right direction. So as the price of energy becomes higher, as we use more of our own God-given deposits in this country and use them wisely, have zero emissions, that the alternatives will come in naturally without this artificial demand to drive it there.

The point is a lot of this legislation will end up, in conjunction with what we have already done this year, driving the price of gasoline to $5 a gallon. That is what happens when you interfere to the extent we are interfering with this legislation and others this year.

The thing I would ask is that as the price of gasoline is driven to $5 a gallon with legislative interests that is being pushed this year and next that, please, the people that have pushed it come down here to the well, to the floor and say, ''That's right, gas is $5 a gallon. We think in the long run you'll be better off and we are so proud that we made your gasoline $5 a gallon.'' That's where we're headed. Let's be honest about it, and then those who did it take credit for it when it gets there.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule, while closing the loopholes we have found over the last few months.

Under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or a report or a statement there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

The earmark rule is also not applicable when the majority uses a procedure to accept ''amendments between the Houses'' such as they plan to do with the underlying legislation. Because the energy bill is not a conference report,

the bill will fall squarely within one of the loopholes to the earmark rule and the rules of the House will not require any disclosure of earmarks that will be contained in the legislation.

I would like to direct all Members to a letter that House Parliamentarian, John Sullivan, recently sent to House Rules Committee Chairwoman SLAUGHTER which confirms what we have been saying since January that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian states that the Democratic earmark rule ''does not comprehensively apply to all legislative propositions at all stages of the legislative process.''

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

This amendment will restore the accountability and enforceability of the earmark rule. I urge my colleagues to close this loophole in the earmark rule by opposing the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. With that, Mr. Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, my friend from Texas was expressing his concern about the impact on American families with the ever-escalating cost of gasoline, the ever-escalating cost of home heating fuel. Certainly you are no stranger in your job to the impact of that on our budget, trying to find money for the low-income heating assistance program. All of us have constituents that experience the kind of pain the gentleman from Texas is describing.

The problem is the policy we have pursued has resulted in endless consumption, endless escalation of prices, and constant dependence on the Persian Gulf folks who are not really our friends. If there is a metaphor for what has been the American energy policy through many administrations, one of dependence, of drilling and drilling, consumption and wastefulness, it was a photograph that appeared in the New York Times in April of 2005.

□ 1115

At that time there was an emerging sense that the cost of energy was having an enormously negative impact on our families. The cost of gasoline had risen over $2 a gallon. That price now seems quite wonderful; but in an effort to deal with it, the President of the United States invited the Crown Prince of Saudi Arabia to Crawford and invited him there for discussions. And the picture on the front page of the paper was of the President of the United States and the Crown Prince holding hands going into the President's home to discuss energy policy. And the request by the President on behalf of the American people to the Crown Prince was that they raise production, in order, theoretically, to lower prices. Well, you know what? That's the same policy that we've pursued for generations, raise production, drill more, leave control in the hands, many times, of foreign countries that have very little regard for the long-term interests of the American people.

It's a policy that has not worked and is running into the dead-end reality that there are limits on how much fossil fuels we can drill. There's damage to the environment, and the cost is ever escalating as the demand for this commodity increases with the growth in economies in India, China, and the rest of the emerging world.

That was a photograph of dependence. This energy bill is about turning the corner and being the self-confident Nation that we should be, that within our own borders, with the resources and technical skills of our people, with what can be done in the agriculture sector, the engineering sector, that we can actually take resources that are immediately available to us, that are renewable, and we can transform them into the energy that our families need to drive their cars to and from day care, to get to and from work; that we can transform that into the energy that our industries need in order to produce, manufacture, and create jobs for the American people.

And the side benefit, and a central goal, is that it can, as it must, dramatically reduce the carbon emissions that are polluting this world and threatening our planetary future. That is a real crisis that requires immediate action.

We have a responsibility to the families that the gentleman from Texas mentioned to do everything that we can to make it affordable for them to do what they have to do to raise their families, to get to work. And we all jointly have a responsibility to the environment because it is our obligation, very simply, that we leave this planet as clean, hopefully cleaner than, as when we found it. The path that we're on has been one of further degradation. The path we're choosing is one of renewal and redemption. This is good for jobs. It's good for the environment. It's good for securing America's foreign policy independence.

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

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 877
OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 4. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall he considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in section 5, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall he considered as read and shall be separately debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 5. The amendment referred to in section 4 is as follows:

Strike all after ''That'' and insert the following:

(1) Clause 9(a) of rule XXI is amended by striking ''or'' at the end of subparagraph (3), striking the period at the end of subparagraph (4) and inserting ''; or'', and adding the following at the end:

''(5) a Senate bill held at the desk, an amendment between the Houses, or an amendment considered as adopted pursuant to an order of the House, unless the Majority Leader or his designee has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill and amendments (and the name of any Member, Delegate, or Resident Commissioner who submitted the request for each respective item in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration.''.

(2) Clause 9(c) of rule XXI is amended to read as follows:

''(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the proposition. The question of consideration shall he debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise he decided without intervening motion except one that the House adjourn.''.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 877, if ordered; and suspending the rules and passing H.R. 3793.

The vote was taken by electronic device, and there were—yeas 220, nays 187, not voting 25, as follows:

[Roll No. 1174]

YEAS—220

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

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson

Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—25

Bishop (UT)
Broun (GA)
Cannon
Cubin
Culberson
Davis (IL)
Fossella
Gallegly
Gilchrest
Gutierrez
Hastings (FL)
Hinchey
Hooley
Jindal
Johnson, E. B.
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Thompson (CA)
Weller
Wexler
Woolsey
Young (AK)

□ 1142

Messrs. TERRY, GINGREY and JOHNSON of Illinois changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OBEY). The question is on the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 190, not voting 27, as follows:

[Roll No. 1175]

YEAS—215

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

NAYS—190

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

NOT VOTING—27

Bachus
Cleaver
Cubin
Davis (IL)
Fossella
Gallegly
Gilchrest
Gutierrez
Hastings (FL)
Hinchey
Hooley
Jindal
Johnson, E. B.
Miller, Gary
Ortiz
Pastor
Paul
Perlmutter
Price (NC)
Pryce (OH)
Shimkus
Tanner
Thompson (CA)
Weller
Wexler
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1148

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS GUARANTEED BONUS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3793, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and pass the bill, H.R. 3793, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 1176]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell

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

NOT VOTING—27

Cubin
Davis (IL)
Davis, Lincoln
Duncan
Fossella
Gallegly
Gilchrest
Gutierrez
Hastings (FL)
Hinchey
Hooley
Jindal
Johnson, E. B.
Jones (OH)
McKeon
Miller, Gary
Ortiz
Pastor
Paul
Pomeroy
Pryce (OH)
Rush
Thompson (CA)
Weller
Wexler
Woolsey
Young (AK)

□ 1155

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A Bill to amend title 37, United States Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. POMEROY. Mr. Speaker, on rollcall No. 1176, regarding passage of the Veterans Guaranteed Bonus Act, I was detained by important constituent business and inadvertently missed the vote. Had I been pesent, I would have voted ''yea.''

Mr. RUSH. Mr. Speaker, on rollcall No. 1176, I was unable to vote. Had I been present, I would have voted ''yea.''

Mr. POMEROY. Mr. Speaker, on December 18, 2007, I missed Rollcall vote no. 1176 on H.R. 3793. I am a cosponsor of this important piece of legislation that will ensure that our troops receive the enlistment benefit that they have been promised. Had I been present, I would have voted in the following manner: Rollcall no.: 1776—''yea.''

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 877 and as the designee of the majority leader, I call up from the Speaker's table the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Independence and Security Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Relationship to other law.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

Sec. 101. Short title.
Sec. 102. Average fuel economy standards for automobiles and certain other vehicles.
Sec. 103. Definitions.
Sec. 104. Credit trading program.
Sec. 105. Consumer information.
Sec. 106. Continued applicability of existing standards.
Sec. 107. National Academy of Sciences studies.
Sec. 108. National Academy of Sciences study of medium-duty and heavy-duty truck fuel economy.
Sec. 109. Extension of flexible fuel vehicle credit program.
Sec. 110. Periodic review of accuracy of fuel economy labeling procedures.
Sec. 111. Consumer tire information.
Sec. 112. Use of civil penalties for research and development.
Sec. 113. Exemption from separate calculation requirement.

Subtitle B—Improved Vehicle Technology

Sec. 131. Transportation electrification.
Sec. 132. Domestic manufacturing conversion grant program.
Sec. 133. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 134. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 135. Advanced battery loan guarantee program.
Sec. 136. Advanced technology vehicles manufacturing incentive program.

Subtitle C—Federal Vehicle Fleets

Sec. 141. Federal vehicle fleets.
Sec. 142. Federal fleet conservation requirements.

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

Sec. 201. Definitions.
Sec. 202. Renewable fuel standard.

Sec. 203. Study of impact of Renewable Fuel Standard.
Sec. 204. Environmental and resource conservation impacts.
Sec. 205. Biomass based diesel and biodiesel labeling.
Sec. 206. Study of credits for use of renewable electricity in electric vehicles.
Sec. 207. Grants for production of advanced biofuels.
Sec. 208. Integrated consideration of water quality in determinations on fuels and fuel additives.
Sec. 209. Anti-backsliding.
Sec. 210. Effective date, savings provision, and transition rules.

Subtitle B—Biofuels Research and Development

Sec. 221. Biodiesel.
Sec. 222. Biogas.
Sec. 223. Grants for biofuel production research and development in certain States.
Sec. 224. Biorefinery energy efficiency.
Sec. 225. Study of optimization of flexible fueled vehicles to use E–85 fuel.
Sec. 226. Study of engine durability and performance associated with the use of biodiesel.
Sec. 227. Study of optimization of biogas used in natural gas vehicles.
Sec. 228. Algal biomass.
Sec. 229. Biofuels and biorefinery information center.
Sec. 230. Cellulosic ethanol and biofuels research.
Sec. 231. Bioenergy research and development, authorization of appropriation.
Sec. 232. Environmental research and development.
Sec. 233. Bioenergy research centers.
Sec. 234. University based research and development grant program.

Subtitle C—Biofuels Infrastructure

Sec. 241. Prohibition on franchise agreement restrictions related to renewable fuel infrastructure.
Sec. 242. Renewable fuel dispenser requirements.
Sec. 243. Ethanol pipeline feasibility study.
Sec. 244. Renewable fuel infrastructure grants.
Sec. 245. Study of the adequacy of transportation of domestically-produced renewable fuel by railroads and other modes of transportation.
Sec. 246. Federal fleet fueling centers.
Sec. 247. Standard specifications for biodiesel.
Sec. 248. Biofuels distribution and advanced biofuels infrastructure.

Subtitle D—Environmental Safeguards

Sec. 251. Waiver for fuel or fuel additives.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

Sec. 301. External power supply efficiency standards.
Sec. 302. Updating appliance test procedures.
Sec. 303. Residential boilers.
Sec. 304. Furnace fan standard process.
Sec. 305. Improving schedule for standards updating and clarifying State authority.
Sec. 306. Regional standards for furnaces, central air conditioners, and heat pumps.
Sec. 307. Procedure for prescribing new or amended standards.
Sec. 308. Expedited rulemakings.
Sec. 309. Battery chargers.
Sec. 310. Standby mode.
Sec. 311. Energy standards for home appliances.
Sec. 312. Walk-in coolers and walk-in freezers.
Sec. 313. Electric motor efficiency standards.
Sec. 314. Standards for single package vertical air conditioners and heat pumps.
Sec. 315. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 316. Technical corrections.

Subtitle B—Lighting Energy Efficiency

Sec. 321. Efficient light bulbs.
Sec. 322. Incandescent reflector lamp efficiency standards.
Sec. 323. Public building energy efficient and renewable energy systems.
Sec. 324. Metal halide lamp fixtures.
Sec. 325. Energy efficiency labeling for consumer electronic products.

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

Sec. 401. Definitions.

Subtitle A—Residential Building Efficiency

Sec. 411. Reauthorization of weatherization assistance program.
Sec. 412. Study of renewable energy rebate programs.
Sec. 413. Energy code improvements applicable to manufactured housing.

Subtitle B—High-Performance Commercial Buildings

Sec. 421. Commercial high-performance green buildings.
Sec. 422. Zero Net Energy Commercial Buildings Initiative.
Sec. 423. Public outreach.

Subtitle C—High-Performance Federal Buildings

Sec. 431. Energy reduction goals for Federal buildings.
Sec. 432. Management of energy and water efficiency in Federal buildings.
Sec. 433. Federal building energy efficiency performance standards.
Sec. 434. Management of Federal building efficiency.
Sec. 435. Leasing.
Sec. 436. High-performance green Federal buildings.
Sec. 437. Federal green building performance.
Sec. 438. Storm water runoff requirements for Federal development projects.
Sec. 439. Cost-effective technology acceleration program.
Sec. 440. Authorization of appropriations.
Sec. 441. Public building life-cycle costs.

Subtitle D—Industrial Energy Efficiency

Sec. 451. Industrial energy efficiency.
Sec. 452. Energy-intensive industries program.
Sec. 453. Energy efficiency for data center buildings.

Subtitle E—Healthy High-Performance Schools

Sec. 461. Healthy high-performance schools.
Sec. 462. Study on indoor environmental quality in schools.

Subtitle F—Institutional Entities

Sec. 471. Energy sustainability and efficiency grants and loans for institutions.

Subtitle G—Public and Assisted Housing

Sec. 481. Application of International Energy Conservation Code to public and assisted housing.

Subtitle H—General Provisions

Sec. 491. Demonstration project.
Sec. 492. Research and development.
Sec. 493. Environmental Protection Agency demonstration grant program for local governments.
Sec. 494. Green Building Advisory Committee.
Sec. 495. Advisory Committee on Energy Efficiency Finance.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

Sec. 501. Capitol complex photovoltaic roof feasibility studies.
Sec. 502. Capitol complex E–85 refueling station.
Sec. 503. Energy and environmental measures in Capitol complex master plan.
Sec. 504. Promoting maximum efficiency in operation of Capitol power plant.
Sec. 505. Capitol power plant carbon dioxide emissions feasibility study and demonstration projects.

Subtitle B—Energy Savings Performance Contracting

Sec. 511. Authority to enter into contracts; reports.
Sec. 512. Financing flexibility.
Sec. 513. Promoting long-term energy savings performance contracts and verifying savings.
Sec. 514. Permanent reauthorization.
Sec. 515. Definition of energy savings.
Sec. 516. Retention of savings.
Sec. 517. Training Federal contracting officers to negotiate energy efficiency contracts.
Sec. 518. Study of energy and cost savings in nonbuilding applications.

Subtitle C—Energy Efficiency in Federal Agencies

Sec. 521. Installation of photovoltaic system at Department of Energy headquarters building.
Sec. 522. Prohibition on incandescent lamps by Coast Guard.
Sec. 523. Standard relating to solar hot water heaters.
Sec. 524. Federally-procured appliances with standby power.
Sec. 525. Federal procurement of energy efficient products.
Sec. 526. Procurement and acquisition of alternative fuels.
Sec. 527. Government efficiency status reports.
Sec. 528. OMB government efficiency reports and scorecards.
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SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 102. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''NON-PASSENGER AUTOMOBILES.—'' and inserting ''PRESCRIPTION OF STANDARDS BY REGULATION.—'';

(B) by striking ''(except passenger automobiles)'' in subsection (a); and

(C) by striking the last sentence;

(2) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe separate average fuel economy standards for—

''(A) passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

''(B) non-passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection; and

''(C) work trucks and commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe a separate average fuel economy standard for passenger automobiles and a separate average fuel economy standard for non-passenger automobiles for each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles manufactured for sale in the United States shall be the maximum feasible average fuel economy standard for each fleet for that model year.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.

''(3) AUTHORITY OF THE SECRETARY.—The Secretary shall—

''(A) prescribe by regulation separate average fuel economy standards for passenger and non-passenger automobiles based on 1 or more vehicle attributes related to fuel economy and express each standard in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for at least 1, but not more than 5, model years.

''(4) MINIMUM STANDARD.—In addition to any standard prescribed pursuant to paragraph (3), each manufacturer shall also meet the minimum standard for domestically manufactured passenger automobiles, which shall be the greater of—

''(A) 27.5 miles per gallon; or

''(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and non-domestic passenger automobile fleets manufactured for sale in the United States by all manufacturers in the model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.''; and

(3) in subsection (c)—

(A) by striking ''(1) Subject to paragraph (2) of this subsection, the'' and inserting ''The''; and

(B) by striking paragraph (2).

(b) FUEL ECONOMY STANDARD FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES AND WORK TRUCKS.—Section 32902 of title 49, United States Code, is amended by adding at the end the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES AND WORK TRUCKS.—

''(1) STUDY.—Not later than 1 year after the National Academy of Sciences publishes the results of its study under section 108 of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and work trucks and determine—

''(A) the appropriate test procedures and methodologies for measuring the fuel efficiency of such vehicles and work trucks;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and work trucks and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that affect commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency.

''(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking proceeding how to implement a commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles and work trucks. The Secretary may prescribe separate standards for different classes of vehicles under this subsection.

''(3) LEAD-TIME; REGULATORY STABILITY.—The commercial medium- and heavy-duty on-highway vehicle and work truck fuel economy standard adopted pursuant to this subsection shall provide not less than—

''(A) 4 full model years of regulatory lead-time; and

''(B) 3 full model years of regulatory stability.''.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or

''(C) a work truck.'';

(2) by redesignating paragraphs (7) through (16) as paragraphs (8) through (17), respectively;

(3) by inserting after paragraph (6) the following:

''(7) 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more.'';

(4) in paragraph (9)(A), as redesignated, by inserting ''or a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act (42 U.S.C. 7545(u)) for fuel containing 20 percent biodiesel (commonly known as 'B20')'' after ''alternative fuel'';

(5) by redesignating paragraph (17), as redesignated, as paragraph (18);

(6) by inserting after paragraph (16), as redesignated, the following:

''(17) 'non-passenger automobile' means an automobile that is not a passenger automobile or a work truck.''; and

(7) by adding at the end the following:

''(19) 'work truck' means a vehicle that—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act).''.

SEC. 104. CREDIT TRADING PROGRAM.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended—

(1) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsections (a) through (d) of section 32902'';

(2) in subsection (a)(2)—

(A) by striking ''3 consecutive model years'' and inserting ''5 consecutive model years'';

(B) by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)'';

(3) by redesignating subsection (f) as subsection (h); and

(4) by inserting after subsection (e) the following:

''(f) CREDIT TRADING AMONG MANUFACTURERS.—

''(1) IN GENERAL.—The Secretary of Transportation may establish, by regulation, a fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when trading credits to manufacturers that fail to achieve the prescribed standards.

''(2) LIMITATION.—The trading of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements of section 32902(b)(4), without regard to any trading of credits from other manufacturers.

''(g) CREDIT TRANSFERRING WITHIN A MANUFACTURER'S FLEET.—

''(1) IN GENERAL.—The Secretary of Transportation shall establish by regulation a fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to transfer the credits earned under this section and to apply such credits within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

''(2) YEARS FOR WHICH USED.—Credits transferred under this subsection are available to be used in the same model years that the manufacturer could have applied such credits under subsections (a), (b), (d), and (e), as well as for the model year in which the manufacturer earned such credits.

''(3) MAXIMUM INCREASE.—The maximum increase in any compliance category attributable to transferred credits is—

''(A) for model years 2011 through 2013, 1.0 mile per gallon;

''(B) for model years 2014 through 2017, 1.5 miles per gallon; and

''(C) for model year 2018 and subsequent model years, 2.0 miles per gallon.

''(4) LIMITATION.—The transfer of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements under section 32904(b)(4), without regard to any transfer of credits from other categories of automobiles described in paragraph (6)(B).

''(5) YEARS AVAILABLE.—A credit may be transferred under this subsection only if it is earned after model year 2010.

''(6) DEFINITIONS.—In this subsection:

''(A) FLEET.—The term 'fleet' means all automobiles manufactured by a manufacturer in a particular model year.

''(B) COMPLIANCE CATEGORY OF AUTOMOBILES.—The term 'compliance category of automobiles' means any of the following 3 categories of automobiles for which compliance is separately calculated under this chapter:

''(i) Passenger automobiles manufactured domestically.

''(ii) Passenger automobiles not manufactured domestically.

''(iii) Non-passenger automobiles.''.

(b) CONFORMING AMENDMENTS.—

(1) LIMITATIONS.—Section 32902(h) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) may not consider, when prescribing a fuel economy standard, the trading, transferring, or availability of credits under section 32903.''.

(2) SEPARATE CALCULATIONS.—Section 32904(b)(1)(B) is amended by striking ''chapter.'' and inserting ''chapter, except for the purposes of section 32903.''.

SEC. 105. CONSUMER INFORMATION.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) CONSUMER INFORMATION.—

''(1) PROGRAM.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a program to require manufacturers—

''(A) to label new automobiles sold in the United States with—

''(i) information reflecting an automobile's performance on the basis of criteria that the Administrator shall develop, not later than 18 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act, to reflect fuel economy and greenhouse gas and other emissions over the useful life of the automobile;

''(ii) a rating system that would make it easy for consumers to compare the fuel economy and greenhouse gas and other emissions of automobiles at the point of purchase, including a designation of automobiles—

''(I) with the lowest greenhouse gas emissions over the useful life of the vehicles; and

''(II) the highest fuel economy; and

''(iii) a permanent and prominent display that an automobile is capable of operating on an alternative fuel; and

''(B) to include in the owner's manual for vehicles capable of operating on alternative fuels information that describes that capability and the benefits of using alternative fuels, including the renewable nature and environmental benefits of using alternative fuels.

''(2) CONSUMER EDUCATION.—

''(A) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a consumer education program to improve consumer understanding of automobile performance described in paragraph (1)(A)(i) and to inform consumers of the benefits of using alternative fuel in automobiles and the location of stations with alternative fuel capacity.

''(B) FUEL SAVINGS EDUCATION CAMPAIGN.—The Secretary of Transportation shall establish a consumer education campaign on the fuel savings that would be recognized from the purchase of vehicles equipped with thermal management technologies, including energy efficient air conditioning systems and glass.

''(3) FUEL TANK LABELS FOR ALTERNATIVE FUEL AUTOMOBILES.—The Secretary of Transportation shall by rule require a label to be attached to the fuel compartment of vehicles capable of operating on alternative fuels, with the form of alternative fuel stated on the label. A label attached in compliance with the requirements of section 32905(h) is deemed to meet the requirements of this paragraph.

''(4) RULEMAKING DEADLINE.—The Secretary of Transportation shall issue a final rule under this subsection not later than 42 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act.''.

SEC. 106. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 107. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this subtitle.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 5 years after the date on which the Secretary executes the agreement with the Academy.

(c) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

SEC. 108. NATIONAL ACADEMY OF SCIENCES STUDY OF MEDIUM-DUTY AND HEAVY-DUTY TRUCK FUEL ECONOMY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating medium-duty and heavy-duty truck fuel economy standards, including—

(1) an assessment of technologies and costs to evaluate fuel economy for medium-duty and heavy-duty trucks;

(2) an analysis of existing and potential technologies that may be used practically to improve medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the medium-duty and heavy-duty truck manufacturing process;

(4) an assessment of how such technologies may be used to meet fuel economy standards to be prescribed under section 32902(k) of title 49, United States Code, as amended by this subtitle; and

(5) associated costs and other impacts on the operation of medium-duty and heavy-duty trucks, including congestion.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 1 year after the date on which the Secretary executes the agreement with the Academy.

SEC. 109. EXTENSION OF FLEXIBLE FUEL VEHICLE CREDIT PROGRAM.

(a) IN GENERAL.—Section 32906 of title 49, United States Code, is amended to read as follows:

''§ 32906. Maximum fuel economy increase for alternative fuel automobiles

''(a) IN GENERAL.—For each of model years 1993 through 2019 for each category of automobile (except an electric automobile), the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles is—

''(1) 1.2 miles a gallon for each of model years 1993 through 2014;

''(2) 1.0 miles per gallon for model year 2015;

''(3) 0.8 miles per gallon for model year 2016;

''(4) 0.6 miles per gallon for model year 2017;

''(5) 0.4 miles per gallon for model year 2018;

''(6) 0.2 miles per gallon for model year 2019; and

''(7) 0 miles per gallon for model years after 2019.

''(b) CALCULATION.—In applying subsection (a), the Administrator of the Environmental Protection Agency shall determine the increase in a manufacturer's average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer's average fuel economy calculated under section 32905(e) the number equal to what the manufacturer's average fuel economy would be if it were calculated by the formula under section 32904(a)(1) by including as the denominator for each model of dual fueled automobiles the fuel economy when the automobiles are operated on gasoline or diesel fuel.''.

(b) CONFORMING AMENDMENTS.—Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b), by striking ''1993–2010,'' and inserting ''1993 through 2019,'';

(2) in subsection (d), by striking ''1993–2010,'' and inserting ''1993 through 2019,'';

(3) by striking subsections (f) and (g); and

(4) by redesignating subsection (h) as subsection (f).

(c) B20 BIODIESEL FLEXIBLE FUEL CREDIT.—Section 32905(b)(2) of title 49, United States Code, is amended to read as follows:

''(2) .5 divided by the fuel economy—

''(A) measured under subsection (a) when operating the model on alternative fuel; or

''(B) measured based on the fuel content of B20 when operating the model on B20, which is deemed to contain 0.15 gallon of fuel.''.

SEC. 110. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce

of the House of Representatives that describes the results of the reevaluation process.

SEC. 111. CONSUMER TIRE INFORMATION.

(a) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by inserting after section 32304 the following:

''§ 32304A. Consumer tire information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle replacement tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency, safety, and durability of replacement tires.

''(3) APPLICABILITY.—This section shall apply only to replacement tires covered under section 575.104(c) of title 49, Code of Federal Regulations, in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) APPLICATION WITH STATE AND LOCAL LAWS AND REGULATIONS.—Nothing in this section prohibits a State or political subdivision thereof from enforcing a law or regulation on tire fuel efficiency consumer information that was in effect on January 1, 2006. After a requirement promulgated under this section is in effect, a State or political subdivision thereof may adopt or enforce a law or regulation on tire fuel efficiency consumer information enacted or promulgated after January 1, 2006, if the requirements of that law or regulation are identical to the requirement promulgated under this section. Nothing in this section shall be construed to preempt a State or political subdivision thereof from regulating the fuel efficiency of tires (including establishing testing methods for determining compliance with such standards) not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 32308 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d)and (e), respectively; and

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

''(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 323 of title 49, United States Code, is amended by inserting after the item relating to section 32304 the following:

''32304A. Consumer tire information''.

SEC. 112. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program to make grants to manufacturers for retooling, reequipping, or expanding existing manufacturing facilities in the United States to produce advanced technology vehicles and components.''.

SEC. 113. EXEMPTION FROM SEPARATE CALCULATION REQUIREMENT.

(a) REPEAL.—Paragraphs (6), (7), and (8) of section 32904(b) of title 49, United States Code, are repealed.

(b) EFFECT OF REPEAL ON EXISTING EXEMPTIONS.—Any exemption granted under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act shall remain in effect subject to its terms through model year 2013.

(c) ACCRUAL AND USE OF CREDITS.—Any manufacturer holding an exemption under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act may accrue and use credits under sections 32903 and 32905 of such title beginning with model year 2011.

Subtitle B—Improved Vehicle Technology

SEC. 131. TRANSPORTATION ELECTRIFICATION.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BATTERY.—The term ''battery'' means an electrochemical energy storage system powered directly by electrical current.

(3) ELECTRIC TRANSPORTATION TECHNOLOGY.—The term ''electric transportation technology'' means—

(A) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(i) corded electric equipment linked to transportation or mobile sources of air pollution; and

(ii) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(4) NONROAD VEHICLE.—The term ''nonroad vehicle'' means a vehicle—

(A) powered—

(i) by a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(ii) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(B) that is not a motor vehicle or a vehicle used solely for competition.

(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a vehicle that—

(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550)).

(6) QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—The term ''qualified electric transportation project'' means an electric transportation technology project that would significantly reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum, including—

(A) shipside or shoreside electrification for vessels;

(B) truck-stop electrification;

(C) electric truck refrigeration units;

(D) battery powered auxiliary power units for trucks;

(E) electric airport ground support equipment;

(F) electric material and cargo handling equipment;

(G) electric or dual-mode electric rail;

(H) any distribution upgrades needed to supply electricity to the project; and

(I) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(b) PLUG-IN ELECTRIC DRIVE VEHICLE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive program to provide grants on a cost-shared basis to State governments, local governments, metropolitan transportation authorities, air pollution control districts, private or nonprofit entities, or combinations of those governments, authorities, districts, and entities, to carry out 1 or more projects to encourage the use of plug-in electric drive vehicles or other emerging electric vehicle technologies, as determined by the Secretary.

(2) ADMINISTRATION.—The Secretary shall, in consultation with the Secretary of Transportation and the Administrator, establish requirements for applications for grants under this section, including reporting of data to be summarized for dissemination to grantees and the public, including safety, vehicle, and component performance, and vehicle and component life cycle costs.

(3) PRIORITY.—In making awards under this subsection, the Secretary shall—

(A) give priority consideration to applications that—

(i) encourage early widespread use of vehicles described in paragraph (1); and

(ii) are likely to make a significant contribution to the advancement of the production of the vehicles in the United States; and

(B) ensure, to the maximum extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(4) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to safety, vehicle performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(5) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry

out this subsection $90,000,000 for each of fiscal years 2008 through 2012, of which not less than ⅓ of the total amount appropriated shall be available each fiscal year to make grants to local and municipal governments.

(c) NEAR-TERM TRANSPORTATION SECTOR ELECTRIFICATION PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator, shall establish a program to provide grants for the conduct of qualified electric transportation projects.

(2) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(3) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $95,000,000 for each of fiscal years 2008 through 2013.

(d) EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(A) teaching materials to secondary schools and high schools; and

(B) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(2) ELECTRIC VEHICLE COMPETITION.—The program established under paragraph (1) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the ''Dr. Andrew Frank Plug-In Electric Vehicle Competition''.

(3) ENGINEERS.—In carrying out the program established under paragraph (1), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(A) plug-in electric drive vehicles; and

(B) other forms of electric drive transportation technology vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 132. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended to read as follows:

''SEC. 712. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

''(a) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and components of those vehicles.

''(2) INCLUSIONS.—The program shall include grants to automobile manufacturers and suppliers and hybrid component manufacturers to encourage domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and advanced diesel vehicles.

''(3) PRIORITY.—Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.

''(b) COORDINATION WITH STATE AND LOCAL PROGRAMS.—The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the manufacturing facilities, including by establishing matching grant arrangements.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.''.

SEC. 133. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

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

''(a) DEFINITIONS.—In this section:

''(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

''(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

''(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

''(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

''(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

''(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term 'plug-in electric drive vehicle' means a vehicle that—

''(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

''(B) can be recharged from an external source of electricity for motive power; and

''(C) is a light-, medium-, or heavy duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550).'';

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) ALLOCATION.—The Secretary''; and

(B) by adding at the end the following:

''(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a hybrid electric vehicle;

''(II) a plug-in electric drive vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

''(V) a medium- or heavy-duty electric vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) a reduction in vehicle emissions.'';

(4) in subsection (c) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(5) by adding at the end the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.''.

SEC. 134. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)(2)) (as amended by section 132) is amended by inserting ''and loan guarantees under section 1703'' after ''grants''.

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

''(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.''.

SEC. 135. ADVANCED BATTERY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the manufacture of advanced vehicle batteries and battery systems that are developed and produced in the United States, including advanced lithium ion batteries and hybrid electrical system and component manufacturers and software designers.

(b) REQUIREMENTS.—The Secretary may provide a loan guarantee under subsection (a) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (a);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(c) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility.

(d) MATURITY.—A loan guaranteed under subsection (a) shall have a maturity of not more than 20 years.

(e) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under subsection (a) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(f) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under subsection (a) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

(g) GUARANTEE FEE.—The recipient of a loan guarantee under subsection (a) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(h) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(i) REPORTS.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(k) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a loan guarantee under subsection (a) terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 136. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard in effect for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy for vehicles with substantially similar attributes.

(2) COMBINED FUEL ECONOMY.—The term ''combined fuel economy'' means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32904 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary.

(3) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(4) QUALIFYING COMPONENTS.—The term ''qualifying components'' means components that the Secretary determines to be—

(A) designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) APPLICATION.—An applicant for a loan under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a loan under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(4) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award or loan under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005. In order to determine fuel economy baselines for eligibility of a new manufacturer or a manufacturer that has not produced previously produced equivalent vehicles, the Secretary may substitute industry averages.

(f) FEES.—Administrative costs shall be no more than $100,000 or 10 basis point of the loan.

(g) PRIORITY.—The Secretary shall, in making awards or loans to those manufacturers that have existing facilities, give priority to those facilities that are oldest or have been in existence for at least 20 years. Such facilities can currently be sitting idle.

(h) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

Subtitle C—Federal Vehicle Fleets

SEC. 141. FEDERAL VEHICLE FLEETS.

Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

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

(2) by inserting after subsection (e) the following new subsection:

''(f) VEHICLE EMISSION REQUIREMENTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FEDERAL AGENCY.—The term 'Federal agency' does not include any office of the legislative branch, except that it does include the House of Representatives with respect to an acquisition described in paragraph (2)(C).

''(B) MEDIUM DUTY PASSENGER VEHICLE.—The term 'medium duty passenger vehicle' has the meaning given that term section 523.2 of title 49 of the Code of Federal Regulations, as in effect on the date of enactment of this paragraph.

''(C) MEMBER'S REPRESENTATIONAL ALLOWANCE.—The term 'Member's Representational Allowance' means the allowance described in section 101(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 57b(a)).

''(2) PROHIBITION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no Federal agency shall acquire a light duty motor vehicle or medium duty passenger vehicle that is not a low greenhouse gas emitting vehicle.

''(B) EXCEPTION.—The prohibition in subparagraph (A) shall not apply to acquisition of a vehicle if the head of the agency certifies in writing, in a separate certification for each individual vehicle purchased, either—

''(i) that no low greenhouse gas emitting vehicle is available to meet the functional needs of the agency and details in writing the functional needs that could not be met with a low greenhouse gas emitting vehicle; or

''(ii) that the agency has taken specific alternative more cost-effective measures to reduce petroleum consumption that—

''(I) have reduced a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved through acquisition of a low greenhouse gas emitting vehicle over the lifetime of the vehicle; or

''(II) will reduce each year a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved each year through acquisition of a low greenhouse gas emitting vehicle.

''(C) SPECIAL RULE FOR VEHICLES PROVIDED BY FUNDS CONTAINED IN MEMBERS' REPRESENTATIONAL ALLOWANCE.—This paragraph shall apply to the acquisition of a light duty motor vehicle or medium duty passenger vehicle using any portion of a Member's Representational Allowance, including an acquisition under a long-term lease.

''(3) GUIDANCE.—

''(A) IN GENERAL.—Each year, the Administrator of the Environmental Protection Agency shall issue guidance identifying the makes and model numbers of vehicles that are low greenhouse gas emitting vehicles.

''(B) CONSIDERATION.—In identifying vehicles under subparagraph (A), the Administrator shall take into account the most stringent standards for vehicle greenhouse gas emissions applicable to and enforceable against motor vehicle manufacturers for vehicles sold anywhere in the United States.

''(C) REQUIREMENT.—The Administrator shall not identify any vehicle as a low greenhouse gas emitting vehicle if the vehicle emits greenhouse gases at a higher rate than such standards allow for the manufacturer's fleet average grams per mile of carbon dioxide-equivalent emissions for that class of vehicle, taking into account any emissions allowances and adjustment factors such standards provide.''.

SEC. 142. FEDERAL FLEET CONSERVATION REQUIREMENTS.

Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

''(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for Federal fleets subject to section 400AA to require that, beginning in fiscal year 2010, each Federal agency shall reduce petroleum consumption and increase alternative fuel consumption each year by an amount necessary to meet the goals described in paragraph (2).

''(2) GOALS.—The goals of the requirements under paragraph (1) are that not later than October 1, 2015, and for each year thereafter, each Federal agency shall achieve at least a 20 percent reduction in annual petroleum consumption and a 10 percent increase in annual alternative fuel consumption, as calculated from the baseline established by the Secretary for fiscal year 2005.

''(3) MILESTONES.—The Secretary shall include in the regulations described in paragraph (1)—

''(A) interim numeric milestones to assess annual agency progress towards accomplishing the goals described in that paragraph; and

''(B) a requirement that agencies annually report on progress towards meeting each of the milestones and the 2015 goals.

''(b) PLAN.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—The regulations under subsection (a) shall require each Federal agency to develop a plan, and implement the measures specified in the plan by dates specified in the plan, to meet the required petroleum reduction levels and the alternative fuel consumption increases, including the milestones specified by the Secretary.

''(B) INCLUSIONS.—The plan shall—

''(i) identify the specific measures the agency will use to meet the requirements of subsection (a)(2); and

''(ii) quantify the reductions in petroleum consumption or increases in alternative fuel consumption projected to be achieved by each measure each year.

''(2) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

''(A) the use of alternative fuels;

''(B) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug-in hybrid vehicles if the vehicles are commercially available;

''(C) the substitution of cars for light trucks;

''(D) an increase in vehicle load factors;

''(E) a decrease in vehicle miles traveled;

''(F) a decrease in fleet size; and

''(G) other measures.''.

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

SEC. 201. DEFINITIONS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)) is amended to read as follows:

''(1) DEFINITIONS.—In this section:

''(A) ADDITIONAL RENEWABLE FUEL.—The term 'additional renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in home heating oil or jet fuel.

''(B) ADVANCED BIOFUEL.—

''(i) IN GENERAL.—The term 'advanced biofuel' means renewable fuel, other than ethanol derived from corn starch, that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than baseline lifecycle greenhouse gas emissions.

''(ii) INCLUSIONS.—The types of fuels eligible for consideration as 'advanced biofuel' may include any of the following:

''(I) Ethanol derived from cellulose, hemicellulose, or lignin.

''(II) Ethanol derived from sugar or starch (other than corn starch).

''(III) Ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste.

''(IV) Biomass-based diesel.

''(V) Biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass.

''(VI) Butanol or other alcohols produced through the conversion of organic matter from renewable biomass.

''(VII) Other fuel derived from cellulosic biomass.

''(C) BASELINE LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'baseline lifecycle greenhouse gas emissions' means the average lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, for gasoline or diesel (whichever is being replaced by the renewable fuel) sold or distributed as transportation fuel in 2005.

''(D) BIOMASS-BASED DIESEL.—The term 'biomass-based diesel' means renewable fuel that is biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than the baseline lifecycle greenhouse gas emissions. Notwithstanding the preceding sentence, renewable fuel derived from coprocessing biomass with a petroleum feedstock shall be advanced biofuel if it meets the requirements of subparagraph (B), but is not biomass-based diesel.

''(E) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means renewable fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass and that has lifecycle greenhouse gas emissions, as determined by the Administrator, that are at least 60 percent less than the baseline lifecycle greenhouse gas emissions.

''(F) CONVENTIONAL BIOFUEL.—The term 'conventional biofuel' means renewable fuel that is ethanol derived from corn starch.

''(G) GREENHOUSE GAS.—The term 'greenhouse gas' means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, sulfur hexafluoride. The Administrator may include any other anthropogenically-emitted gas that is determined by the Administrator, after notice and comment, to contribute to global warming.

''(H) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

''(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means each of the following:

''(i) Planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the enactment of this sentence that is either actively managed or fallow, and nonforested.

''(ii) Planted trees and tree residue from actively managed tree plantations on non-federal land cleared at any time prior to enactment of this sentence, including land belonging to an Indian tribe or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

''(iii) Animal waste material and animal byproducts.

''(iv) Slash and pre-commercial thinnings that are from non-federal forestlands, including forestlands belonging to an Indian tribe or an Indian individual, that are held in trust by the United States or subject to a restriction against alienation imposed by the United States, but not forests or forestlands that are ecological communities with a global or State ranking of critically imperiled, imperiled, or rare pursuant to a State Natural Heritage Program, old growth forest, or late successional forest.

''(v) Biomass obtained from the immediate vicinity of buildings and other areas regularly occupied by people, or of public infrastructure, at risk from wildfire.

''(vi) Algae.

''(vii) Separated yard waste or food waste, including recycled cooking and trap grease.

''(J) RENEWABLE FUEL.—The term 'renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in a transportation fuel.

''(K) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

''(L) TRANSPORTATION FUEL.—The term 'transportation fuel' means fuel for use in motor vehicles, motor vehicle engines, nonroad vehicles, or nonroad engines (except for ocean-going vessels).''.

SEC. 202. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—Paragraph (2) of section 211(o) (42 U.S.C. 7545(o)(2)) of the Clean Air Act is amended as follows:

(1) REGULATIONS.—Clause (i) of subparagraph (A) is amended by adding the following at the end thereof: ''Not later than 1 year after the date of enactment of this sentence, the Administrator shall revise the regulations under this paragraph to ensure that transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains at least the applicable volume of renewable fuel, advanced biofuel, cellulosic biofuel, and biomass-based diesel, determined in accordance with subparagraph (B) and, in the case of any such renewable fuel produced from new facilities that commence construction after the date of enactment of this sentence, achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions.''

(2) APPLICABLE VOLUMES OF RENEWABLE FUEL.—Subparagraph (B) is amended to read as follows:

''(B) APPLICABLE VOLUMES.—

''(i) CALENDAR YEARS AFTER 2005.—

''(I) RENEWABLE FUEL.—For the purpose of subparagraph (A), the applicable volume of renewable fuel for the calendar years 2006 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2006	4.0
2007	4.7
2008	9.0
2009	11.1
2010	12.95
2011	13.95
2012	15.2
2013	16.55
2014	18.15
2015	20.5
2016	22.25
2017	24.0
2018	26.0
2019	28.0
2020	30.0

"Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2021	33.0
2022	36.0

''(II) ADVANCED BIOFUEL.—For the purpose of subparagraph (A), of the volume of renewable fuel required under subclause (I), the applicable volume of advanced biofuel for the calendar years 2009 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of advanced biofuel (in billions of gallons):
2009	0.6
2010	0.95
2011	1.35
2012	2.0
2013	2.75
2014	3.75
2015	5.5
2016	7.25
2017	9.0
2018	11.0
2019	13.0
2020	15.0
2021	18.0
2022	21.0

''(III) CELLULOSIC BIOFUEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of cellulosic biofuel for the calendar years 2010 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of cellulosic biofuel (in billions of gallons):
2010	0.1
2011	0.25
2012	0.5
2013	1.0
2014	1.75
2015	3.0
2016	4.25
2017	5.5
2018	7.0
2019	8.5
2020	10.5
2021	13.5
2022	16.0

''(IV) BIOMASS-BASED DIESEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of biomass-based diesel for the calendar years 2009 through 2012 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of biomass-based diesel (in billions of gallons):
2009	0.5
2010	0.65
2011	0.80
2012	1.0

''(ii) OTHER CALENDAR YEARS.—For the purposes of subparagraph (A), the applicable volumes of each fuel specified in the tables in clause (i) for calendar years after the calendar years specified in the tables shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years specified in the tables, and an analysis of—

''(I) the impact of the production and use of renewable fuels on the environment, including on air quality, climate change, conversion of wet lands, eco-systems, wildlife habitat, water quality, and water supply;

''(II) the impact of renewable fuels on the energy security of the United States;

''(III) the expected annual rate of future commercial production of renewable fuels, including advanced biofuels in each category (cellulosic biofuel and biomass-based diesel);

''(IV) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver and use renewable fuel;

''(V) the impact of the use of renewable fuels on the cost to consumers of transportation fuel and on the cost to transport goods; and

''(VI) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and food prices.

The Administrator shall promulgate rules establishing the applicable volumes under this clause no later than 14 months before the first year for which such applicable volume will apply.

''(iii) APPLICABLE VOLUME OF ADVANCED BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of advanced biofuel shall be at least the same percentage of the applicable volume of renewable fuel as in calendar year 2022.

''(iv) APPLICABLE VOLUME OF CELLULOSIC BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of cellulosic biofuel established by the Administrator shall be based on the assumption that the Administrator will not need to issue a waiver for such years under paragraph (7)(D).

''(v) MINIMUM APPLICABLE VOLUME OF BIOMASS-BASED DIESEL.—For the purpose of making the determinations in clause (ii), the applicable volume of biomass-based diesel shall not be less than the applicable volume listed in clause (i)(IV) for calendar year 2012.''.

(b) APPLICABLE PERCENTAGES.—Paragraph (3) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(3)) is amended as follows:

(1) In subparagraph (A), by striking ''2011'' and inserting ''2021''.

(2) In subparagraph (A), by striking ''gasoline'' and inserting ''transportation fuel, biomass-based diesel, and cellulosic biofuel''.

(3) In subparagraph (B), by striking ''2012'' and inserting ''2021'' in clause (i).

(4) In subparagraph (B), by striking ''gasoline'' and inserting ''transportation fuel'' in clause (ii)(II).

(c) MODIFICATION OF GREENHOUSE GAS PERCENTAGES.—Paragraph (4) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(4)) is amended to read as follows:

''(4) MODIFICATION OF GREENHOUSE GAS REDUCTION PERCENTAGES.—

''(A) IN GENERAL.—The Administrator may, in the regulations under the last sentence of paragraph (2)(A)(i), adjust the 20 percent, 50 percent, and 60 percent reductions in lifecycle greenhouse gas emissions specified in paragraphs (2)(A)(i)(relating to renewable fuel), (1)(D) (relating to biomass-based diesel), (1)(B)(i)(relating to advanced biofuel), and (1)(E) (relating to cellulosic biofuel) to a lower percentage. For the 50 and 60 percent reductions, the Administrator may make such an adjustment only if he determines that generally such reduction is not commercially feasible for fuels made using a variety of feedstocks, technologies, and processes to meet the applicable reduction.

''(B) AMOUNT OF ADJUSTMENT.—In promulgating regulations under this paragraph, the specified 50 percent reduction in greenhouse gas emissions from advanced biofuel and in biomass-based diesel may not be reduced below 40 percent. The specified 20 percent reduction in greenhouse gas emissions from renewable fuel may not be reduced below 10 percent, and the specified 60 percent reduction in greenhouse gas emissions from cellulosic biofuel may not be reduced below 50 percent.

''(C) ADJUSTED REDUCTION LEVELS.—An adjustment under this paragraph to a percent less than the specified 20 percent greenhouse gas reduction for renewable fuel shall be the minimum possible adjustment, and the adjusted greenhouse gas reduction shall be established by the Administrator at the maximum achievable level, taking cost in consideration, for natural gas fired corn-based ethanol plants, allowing for the use of a variety of technologies and processes. An adjustment in the 50 or 60 percent greenhouse gas levels shall be the minimum possible adjustment for the fuel or fuels concerned, and the adjusted greenhouse gas reduction shall be established at the maximum achievable level, taking cost in consideration, allowing for the use of a variety of feedstocks, technologies, and processes.

''(D) 5-YEAR REVIEW.—Whenever the Administrator makes any adjustment under this paragraph, not later than 5 years thereafter he shall review and revise (based upon the same criteria and standards as required for the initial adjustment) the regulations establishing the adjusted level.

''(E) SUBSEQUENT ADJUSTMENTS.—After the Administrator has promulgated a final rule under the last sentence of paragraph (2)(A)(i) with respect to the method of determining lifecycle greenhouse gas emissions, except as provided in subparagraph (D), the Administrator may not adjust the percent greenhouse gas reduction levels unless he determines that there has been a significant change in the analytical methodology used for determining the lifecycle greenhouse gas emissions. If he makes such determination, he may adjust the 20, 50, or 60 percent reduction levels through rulemaking using the criteria and standards set forth in this paragraph.

''(F) LIMIT ON UPWARD ADJUSTMENTS.—If, under subparagraph (D) or (E), the Administrator revises a percent level adjusted as provided in subparagraph (A), (B), and (C) to a higher percent, such higher percent may not exceed the applicable percent specified in paragraph (2)(A)(i), (1)(D),(1)(B)(i), or (1)(E).

''(G) APPLICABILITY OF ADJUSTMENTS.—If the Administrator adjusts, or revises, a percent level referred to in this paragraph or makes a change in the analytical methodology used for determining the lifecycle greenhouse gas emissions, such adjustment, revision, or change (or any combination thereof) shall only apply to renewable fuel from new facilities that commence construction after the effective date of such adjustment, revision, or change.''.

(d) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—Paragraph (5) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is amended by adding the following new subparagraph at the end thereof:

''(E) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—The Administrator may issue regulations providing (i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports additional renewable fuels specified by the Administrator and (ii) for the use of such credits by the generator, or the transfer of all or a portion of the credits to another person, for the purpose of complying with paragraph (2).''.

(e) WAIVERS.—

(1) IN GENERAL.—Paragraph (7)(A) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)(A)) is amended by inserting '', by any person subject to the requirements of this subsection, or by the Administrator on his own motion'' after ''one or more States'' in subparagraph (A) and by striking out ''State'' in subparagraph (B).

(2) CELLULOSIC BIOFUEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

''(D) CELLULOSIC BIOFUEL.—(i) For any calendar year for which the projected volume of cellulosic biofuel production is less than the minimum applicable volume established under paragraph (2)(B), as determined by the Administrator based on the estimate provided under

paragraph (3)(A), not later than November 30 of the preceding calendar year, the Administrator shall reduce the applicable volume of cellulosic biofuel required under paragraph (2)(B) to the projected volume available during that calendar year. For any calendar year in which the Administrator makes such a reduction, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

''(ii) Whenever the Administrator reduces the minimum cellulosic biofuel volume under this subparagraph, the Administrator shall make available for sale cellulosic biofuel credits at the higher of $0.25 per gallon or the amount by which $3.00 per gallon exceeds the average wholesale price of a gallon of gasoline in the United States. Such amounts shall be adjusted for inflation by the Administrator for years after 2008.

''(iii) 18 months after date of enactment of this subparagraph, the Administrator shall promulgate regulations to govern the issuance of credits under this subparagraph. The regulations shall set forth the method for determining the exact price of credits in the event of a waiver. The price of such credits shall not be changed more frequently than once each quarter. These regulations shall include such provisions, including limiting the credits' uses and useful life, as the Administrator deems appropriate to assist market liquidity and transparency, to provide appropriate certainty for regulated entities and renewable fuel producers, and to limit any potential misuse of cellulosic biofuel credits to reduce the use of other renewable fuels, and for such other purposes as the Administrator determines will help achieve the goals of this subsection. The regulations shall limit the number of cellulosic biofuel credits for any calendar year to the minimum applicable volume (as reduced under this subparagraph) of cellulosic biofuel for that year.''.

(3) BIOMASS-BASED DIESEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

''(E) BIOMASS-BASED DIESEL.—

''(i) MARKET EVALUATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall periodically evaluate the impact of the biomass-based diesel requirements established under this paragraph on the price of diesel fuel.

''(ii) WAIVER.—If the Administrator determines that there is a significant renewable feedstock disruption or other market circumstances that would make the price of biomass-based diesel fuel increase significantly, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for up to a 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biomass-based diesel. For any calendar year in which the Administrator makes a reduction under this subparagraph, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

''(iii) EXTENSIONS.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for up to an additional 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biomass-based diesel.

''(F) MODIFICATION OF APPLICABLE VOLUMES.—For any of the tables in paragraph (2)(B), if the Administrator waives—

''(i) at least 20 percent of the applicable volume requirement set forth in any such table for 2 consecutive years; or

''(ii) at least 50 percent of such volume requirement for a single year,

the Administrator shall promulgate a rule (within one year after issuing such waiver) that modifies the applicable volumes set forth in the table concerned for all years following the final year to which the waiver applies, except that no such modification in applicable volumes shall be made for any year before 2016. In promulgating such a rule, the Administrator shall comply with the processes, criteria, and standards set forth in paragraph (2)(B)(ii).''.

SEC. 203. STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in section 211(o) of the Clean Air Act on each industry relating to the production of feed grains, livestock, food, forest products, and energy.

(b) PARTICIPATION.—In conducting the study under this section, the National Academy of Sciences shall seek the participation, and consider the input, of—

(1) producers of feed grains;

(2) producers of livestock, poultry, and pork products;

(3) producers of food and food products;

(4) producers of energy;

(5) individuals and entities interested in issues relating to conservation, the environment, and nutrition;

(6) users and consumer of renewable fuels;

(7) producers and users of biomass feedstocks; and

(8) land grant universities.

(c) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(1) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections;

(2) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections; and

(3) policy options to maintain regional agricultural and silvicultural capability.

(d) COMPONENTS.—The study shall include—

(1) a description of the conditions under which the requirements described in section 211(o) of the Clean Air Act should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in subsection (c)(2) or regional agricultural and silvicultural capability described in subsection (c)(3); and

(2) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(e) DEADLINE FOR COMPLETION OF STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under this section.

(f) PERIODIC REVIEWS.—Section 211(o) of the Clean Air Act is amended by adding the following at the end thereof:

''(11) PERIODIC REVIEWS.—To allow for the appropriate adjustment of the requirements described in subparagraph (B) of paragraph (2), the Administrator shall conduct periodic reviews of—

''(A) existing technologies;

''(B) the feasibility of achieving compliance with the requirements; and

''(C) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).''.

SEC. 204. ENVIRONMENTAL AND RESOURCE CONSERVATION IMPACTS.

(a) IN GENERAL.—Not later than 3 years after the enactment of this section and every 3 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall assess and report to Congress on the impacts to date and likely future impacts of the requirements of section 211(o) of the Clean Air Act on the following:

(1) Environmental issues, including air quality, effects on hypoxia, pesticides, sediment, nutrient and pathogen levels in waters, acreage and function of waters, and soil environmental quality.

(2) Resource conservation issues, including soil conservation, water availability, and ecosystem health and biodiversity, including impacts on forests, grasslands, and wetlands.

(3) The growth and use of cultivated invasive or noxious plants and their impacts on the environment and agriculture.

In advance of preparing the report required by this subsection, the Administrator may seek the views of the National Academy of Sciences or another appropriate independent research institute. The report shall include the annual volume of imported renewable fuels and feedstocks for renewable fuels, and the environmental impacts outside the United States of producing such fuels and feedstocks. The report required by this subsection shall include recommendations for actions to address any adverse impacts found.

(b) EFFECT ON AIR QUALITY AND OTHER ENVIRONMENTAL REQUIREMENTS.—Except as provided in section 211(o)(12) of the Clean Air Act, nothing in the amendments made by this title to section 211(o) of the Clean Air Act shall be construed as superseding, or limiting, any more environmentally protective requirement under the Clean Air Act, or under any other provision of State or Federal law or regulation, including any environmental law or regulation.

SEC. 205. BIOMASS BASED DIESEL AND BIODIESEL LABELING.

(a) IN GENERAL.—Each retail diesel fuel pump shall be labeled in a manner that informs consumers of the percent of biomass-based diesel or biodiesel that is contained in the biomass-based diesel blend or biodiesel blend that is offered for sale, as determined by the Federal Trade Commission.

(b) LABELING REQUIREMENTS.—Not later than 180 days after the date of enactment of this section, the Federal Trade Commission shall promulgate biodiesel labeling requirements as follows:

(1) Biomass-based diesel blends or biodiesel blends that contain less than or equal to 5 percent biomass-based diesel or biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels.

(2) Biomass based diesel blends or biodiesel blends that contain more than 5 percent biomass-based diesel or biodiesel by volume but not more than 20 percent by volume shall be labeled ''contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent''.

(3) Biomass-based diesel or biodiesel blends that contain more than 20 percent biomass based or biodiesel by volume shall be labeled ''contains more than 20 percent biomass-based diesel or biodiesel''.

(c) DEFINITIONS.—In this section:

(1) ASTM.—The term ''ASTM'' means the American Society of Testing and Materials.

(2) BIOMASS-BASED DIESEL.—The term ''biomass-based diesel'' means biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)).

(3) BIODIESEL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(A) the registration requirements for fuels and fuel additives under this section; and

(B) the requirements of ASTM standard D6751.

(4) BIOMASS-BASED DIESEL AND BIODIESEL BLENDS.—The terms ''biomass-based diesel blend'' and ''biodiesel blend'' means a blend of ''biomass-based diesel'' or ''biodiesel'' fuel that is blended with petroleum based diesel fuel.

SEC. 206. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term ''electric vehicle'' means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the feasibility of issuing credits under the program established under section 211(o) of the Clean Air Act to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 211(o) of the Clean Air Act.

SEC. 207. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary of Energy shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2005; and

(2) shall not make an award to a project that does not achieve at least a 80 percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 208. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended as follows:

(1) By striking ''nonroad vehicle (A) if in the judgment of the Administrator'' and inserting ''nonroad vehicle if, in the judgment of the Administrator, any fuel or fuel additive or''; and

(2) In subparagraph (A), by striking ''air pollution which'' and inserting ''air pollution or water pollution (including any degradation in the quality of groundwater) that''.

SEC. 209. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

''(v) PREVENTION OF AIR QUALITY DETERIORATION.—

''(1) STUDY.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall complete a study to determine whether the renewable fuel volumes required by this section will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

''(B) CONSIDERATIONS.—The study shall include consideration of—

''(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

''(ii) appropriate national, regional, and local air quality control measures.

''(2) REGULATIONS.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall—

''(A) promulgate fuel regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by this section; or

''(B) make a determination that no such measures are necessary.''.

SEC. 210. EFFECTIVE DATE, SAVINGS PROVISION, AND TRANSITION RULES.

(a) TRANSITION RULES.—(1) For calendar year 2008, transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), that is produced from facilities that commence construction after the date of enactment of this Act shall be treated as renewable fuel within the meaning of section 211(o) of the Clean Air Act only if it achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions. For calendar years 2008 and 2009, any ethanol plant that is fired with natural gas, biomass, or any combination thereof is deemed to be in compliance with such 20 percent reduction requirement and with the 20 percent reduction requirement of section 211(o)(1) of the Clean Air Act. The terms used in this subsection shall have the same meaning as provided in the amendment made by this Act to section 211(o) of the Clean Air Act.

(2) Until January 1, 2009, the Administrator of the Environmental Protection Agency shall implement section 211(o) of the Clean Air Act and the rules promulgated under that section in accordance with the provisions of that section as in effect before the enactment of this Act and in accordance with the rules promulgated before the enactment of this Act, except that for calendar year 2008, the number ''9.0'' shall be substituted for the number ''5.4'' in the table in section 211(o)(2)(B) and in the corresponding rules promulgated to carry out those provisions. The Administrator is authorized to take such other actions as may be necessary to carry out this paragraph notwithstanding any other provision of law.

(b) SAVINGS CLAUSE.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding the following new paragraph at the end thereof:

''(12) EFFECT ON OTHER PROVISIONS.—Nothing in this subsection, or regulations issued pursuant to this subsection, shall affect or be construed to affect the regulatory status of carbon dioxide or any other greenhouse gas, or to expand or limit regulatory authority regarding carbon dioxide or any other greenhouse gas, for purposes of other provisions (including section 165) of this Act. The previous sentence shall not affect implementation and enforcement of this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this title to section 211(o) of the Clean Air Act shall take effect January 1, 2009, except that the Administrator shall promulgate regulations to carry out such amendments not later than one year after the enactment of this Act.

Subtitle B—Biofuels Research and Development

SEC. 221. BIODIESEL.

(a) BIODIESEL STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the proportion of diesel fuel sold in the United States that is biodiesel.

(b) MATERIAL FOR THE ESTABLISHMENT OF STANDARDS.—The Director of the National Institute of Standards and Technology, in consultation with the Secretary, shall make publicly available the physical property data and characterization of biodiesel and other biofuels as appropriate.

SEC. 222. BIOGAS.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the amount of transportation fuels sold in the United States that are fuel with biogas or a blend of biogas and natural gas.

SEC. 223. GRANTS FOR BIOFUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities for research, development, demonstration, and commercial application of biofuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), including tribally controlled colleges or universities, located in a State described in subsection (a); or

(B) be a consortium including at least 1 such institution of higher education, and industry, State agencies, Indian tribal agencies, National Laboratories, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 224. BIOREFINERY ENERGY EFFICIENCY.

Section 932 of Energy Policy Act of 2005 (42 U.S.C. 16232) is amended by adding at the end the following new subsections:

''(g) BIOREFINERY ENERGY EFFICIENCY.—The Secretary shall establish a program of research, development, demonstration, and commercial application for increasing energy efficiency and reducing energy consumption in the operation of biorefinery facilities.

''(h) RETROFIT TECHNOLOGIES FOR THE DEVELOPMENT OF ETHANOL FROM CELLULOSIC MATERIALS.—The Secretary shall establish a program of research, development, demonstration, and commercial application on technologies and processes to enable biorefineries that exclusively use corn grain or corn starch as a feedstock to produce ethanol to be retrofitted to accept a range of biomass, including lignocellulosic feedstocks.''.

SEC. 225. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study of whether optimizing flexible fueled vehicles to operate using E–85 fuel would increase the fuel efficiency of flexible fueled vehicles.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary

shall submit to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 226. STUDY OF ENGINE DURABILITY AND PERFORMANCE ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall initiate a study on the effects of the use of biodiesel on the performance and durability of engines and engine systems.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel lessens the durability and performance of conventional diesel engines and engine systems; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including the following percentage concentrations of biodiesel:

(A) 5 percent biodiesel.

(B) 10 percent biodiesel.

(C) 20 percent biodiesel.

(D) 30 percent biodiesel.

(E) 100 percent biodiesel.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 227. STUDY OF OPTIMIZATION OF BIOGAS USED IN NATURAL GAS VEHICLES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study of methods of increasing the fuel efficiency of vehicles using biogas by optimizing natural gas vehicle systems that can operate on biogas, including the advancement of vehicle fuel systems and the combination of hybrid-electric and plug-in hybrid electric drive platforms with natural gas vehicle systems using biogas.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, and to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 228. ALGAL BIOMASS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the research and development that is being conducted on the use of algae as a feedstock for the production of biofuels.

(b) CONTENTS.—The report shall identify continuing research and development challenges and any regulatory or other barriers found by the Secretary that hinder the use of this resource, as well as recommendations on how to encourage and further its development as a viable transportation fuel.

SEC. 229. BIOFUELS AND BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biofuels and biorefinery information center to make available to interested parties information on—

(1) renewable fuel feedstocks, including the varieties of fuel capable of being produced from various feedstocks;

(2) biorefinery processing techniques related to various renewable fuel feedstocks;

(3) the distribution, blending, storage, and retail dispensing infrastructure necessary for the transport and use of renewable fuels;

(4) Federal and State laws and incentives related to renewable fuel production and use;

(5) renewable fuel research and development advancements;

(6) renewable fuel development and biorefinery processes and technologies;

(7) renewable fuel resources, including information on programs and incentives for renewable fuels;

(8) renewable fuel producers;

(9) renewable fuel users; and

(10) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biofuels and biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available relating to processes and technologies for renewable fuel production;

(3) make information available to interested parties on the process for establishing a biorefinery; and

(4) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) COORDINATION AND NONDUPLICATION.—To maximum extent practicable, the Secretary shall ensure that the activities under this section are coordinated with, and do not duplicate the efforts of, centers at other government agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 230. CELLULOSIC ETHANOL AND BIOFUELS RESEARCH.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means—

(1) an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061));

(2) a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) (commonly referred to as ''Historically Black Colleges and Universities'');

(3) a tribal college or university (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)); or

(4) a Hispanic-serving institution (as defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(b) GRANTS.—The Secretary shall make cellulosic ethanol and biofuels research and development grants to 10 eligible entities selected by the Secretary to receive a grant under this section through a peer-reviewed competitive process.

(c) COLLABORATION.—An eligible entity that is selected to receive a grant under subsection (b) shall collaborate with 1 of the Bioenergy Research Centers of the Office of Science of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants described in subsection (b) $50,000,000 for fiscal year 2008, to remain available until expended.

SEC. 231. BIOENERGY RESEARCH AND DEVELOPMENT, AUTHORIZATION OF APPROPRIATION.

Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) $963,000,000 for fiscal year 2010.''; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(ii) by striking ''and'' at the end;

(B) in paragraph (3)—

(i) by striking ''$274,000,000'' and inserting ''$398,000,000''; and

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

(C) by adding at the end the following:

''(4) $419,000,000 for fiscal year 2010, of which $150,000,000 shall be for section 932(d).''.

SEC. 232. ENVIRONMENTAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended—

(1) in subsection (a)(1), by striking ''and computational biology'' and inserting ''computational biology, and environmental science''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''in sustainable production systems that reduce greenhouse gas emissions'' after ''hydrogen'';

(B) in paragraph (3), by striking ''and'' at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

''(4) develop cellulosic and other feedstocks that are less resource and land intensive and that promote sustainable use of resources, including soil, water, energy, forests, and land, and ensure protection of air, water, and soil quality; and''.

(b) TOOLS AND EVALUATION.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(d)) is amended—

(1) in paragraph (3)(E), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the improvement and development of analytical tools to facilitate the analysis of lifecycle energy and greenhouse gas emissions, including emissions related to direct and indirect land use changes, attributable to all potential biofuel feedstocks and production processes; and

''(6) the systematic evaluation of the impact of expanded biofuel production on the environment, including forest lands, and on the food supply for humans and animals.''.

(c) SMALL-SCALE PRODUCTION AND USE OF BIOFUELS.—Section 307(e) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(e)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) to facilitate small-scale production, local, and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.''.

SEC. 233. BIOENERGY RESEARCH CENTERS.

Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended by adding at the end the following:

''(f) BIOENERGY RESEARCH CENTERS.—

''(1) ESTABLISHMENT OF CENTERS.—In carrying out the program under subsection (a), the Secretary shall establish at least 7 bioenergy research centers, which may be of varying size.

''(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall establish at least 1 bioenergy research center in each Petroleum Administration for Defense District or Subdistrict of a Petroleum Administration for Defense District.

''(3) GOALS.—The goals of the centers established under this subsection shall be to accelerate basic transformational research and development of biofuels, including biological processes.

''(4) SELECTION AND DURATION.—

''(A) IN GENERAL.—A center under this subsection shall be selected on a competitive basis for a period of 5 years.

''(B) REAPPLICATION.—After the end of the period described in subparagraph (A), a grantee may reapply for selection on a competitive basis.

''(5) INCLUSION.—A center that is in existence on the date of enactment of this subsection—

''(A) shall be counted towards the requirement for establishment of at least 7 bioenergy research centers; and

''(B) may continue to receive support for a period of 5 years beginning on the date of establishment of the center.''.

SEC. 234. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant program, in a geographically diverse manner, for projects submitted for consideration by institutions of higher education to conduct research and development of renewable energy technologies. Each grant made shall not exceed $2,000,000.

(b) ELIGIBILITY.—Priority shall be given to institutions of higher education with—

(1) established programs of research in renewable energy;

(2) locations that are low income or outside of an urbanized area;

(3) a joint venture with an Indian tribe; and

(4) proximity to trees dying of disease or insect infestation as a source of woody biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $25,000,000 for carrying out this section.

(d) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning as defined in section 126(c) of the Energy Policy Act of 2005.

(2) RENEWABLE ENERGY.—The term ''renewable energy'' has the meaning as defined in section 902 of the Energy Policy Act of 2005.

(3) URBANIZED AREA.—The term ''urbanized area'' has the mean as defined by the U.S. Bureau of the Census.

Subtitle C—Biofuels Infrastructure

SEC. 241. PROHIBITION ON FRANCHISE AGREEMENT RESTRICTIONS RELATED TO RENEWABLE FUEL INFRASTRUCTURE.

(a) IN GENERAL.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF RENEWABLE FUEL PUMPS.

''(a) DEFINITION.—In this section:

''(1) RENEWABLE FUEL.—The term 'renewable fuel' means any fuel—

''(A) at least 85 percent of the volume of which consists of ethanol; or

''(B) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (40 CFR, Part 80)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel.

''(2) FRANCHISE-RELATED DOCUMENT.—The term 'franchise-related document' means—

''(A) a franchise under this Act; and

''(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—No franchise-related document entered into or renewed on or after the date of enactment of this section shall contain any provision allowing a franchisor to restrict the franchisee or any affiliate of the franchisee from—

''(A) installing on the marketing premises of the franchisee a renewable fuel pump or tank, except that the franchisee's franchisor may restrict the installation of a tank on leased marketing premises of such franchisor;

''(B) converting an existing tank or pump on the marketing premises of the franchisee for renewable fuel use, so long as such tank or pump and the piping connecting them are either warranted by the manufacturer or certified by a recognized standards setting organization to be suitable for use with such renewable fuel;

''(C) advertising (including through the use of signage) the sale of any renewable fuel;

''(D) selling renewable fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears);

''(E) purchasing renewable fuel from sources other than the franchisor if the franchisor does not offer its own renewable fuel for sale by the franchisee;

''(F) listing renewable fuel availability or prices, including on service station signs, fuel dispensers, or light poles; or

''(G) allowing for payment of renewable fuel with a credit card,

so long as such activities described in subparagraphs (A) through (G) do not constitute mislabeling, misbranding, willful adulteration, or other trademark violations by the franchisee.

''(2) EFFECT OF PROVISION.—Nothing in this section shall be construed to preclude a franchisor from requiring the franchisee to obtain reasonable indemnification and insurance policies.

''(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an renewable fuel in lieu of 1, and only 1, grade of gasoline.''.

(b) ENFORCEMENT.—Section 105 of the Petroleum Marketing Practices Act (15 U.S.C. 2805) is amended by striking ''102 or 103'' each place it appears and inserting ''102, 103, or 107''.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by aligning the margin of subparagraph (C) with subparagraph (B).

(2) TABLE OF CONTENTS.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(A) by inserting after the item relating to section 106 the following:

''Sec. 107. Prohibition on restriction of installation of renewable fuel pumps.''; and

(B) by striking the item relating to section 202 and inserting the following:

''Sec. 202. Automotive fuel rating testing and disclosure requirements.''.

SEC. 242. RENEWABLE FUEL DISPENSER REQUIREMENTS.

(a) MARKET PENETRATION REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall determine and report to Congress annually on the market penetration for flexible-fuel vehicles in use within geographic regions to be established by the Secretary.

(b) DISPENSER FEASIBILITY STUDY.—Not later than 24 months after the date of enactment of this Act, the Secretary, in consultation with the Department of Transportation, shall report to the Congress on the feasibility of requiring motor fuel retailers to install E–85 compatible dispensers and related systems at retail fuel facilities in regions where flexible-fuel vehicle market penetration has reached 15 percent of motor vehicles. In conducting such study, the Secretary shall consider and report on the following factors:

(1) The commercial availability of E–85 fuel and the number of competing E–85 wholesale suppliers in a given region.

(2) The level of financial assistance provided on an annual basis by the Federal Government, State governments, and nonprofit entities for the installation of E–85 compatible infrastructure.

(3) The number of retailers whose retail locations are unable to support more than 2 underground storage tank dispensers.

(4) The expense incurred by retailers in the installation and sale of E–85 compatible dispensers and related systems and any potential effects on the price of motor vehicle fuel.

SEC. 243. ETHANOL PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall conduct a study of the feasibility of the construction of pipelines dedicated to the transportation of ethanol.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to the construction of pipelines dedicated to the transportation of ethanol, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate the risk and help ensure the construction of 1 or more pipelines dedicated to the transportation of ethanol;

(5) financial incentives that may be necessary for the construction of pipelines dedicated to the transportation of ethanol, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, including identification of remedial and preventive measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 and 2009, to remain available until expended.

SEC. 244. RENEWABLE FUEL INFRASTRUCTURE GRANTS.

(a) DEFINITION OF RENEWABLE FUEL BLEND.—For purposes of this section, the term ''renewable fuel blend'' means gasoline blend that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel.

(b) INFRASTRUCTURE DEVELOPMENT GRANTS.—

(1) ESTABLISHMENT.—The Secretary shall establish a program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel blends.

(2) SELECTION CRITERIA.—Not later than 12 months after the date of enactment of this Act, the Secretary shall establish criteria for evaluating applications for grants under this subsection that will maximize the availability and use of renewable fuel blends, and that will ensure that renewable fuel blends are available across the country. Such criteria shall provide for—

(A) consideration of the public demand for each renewable fuel blend in a particular geographic area based on State registration records showing the number of flexible-fuel vehicles;

(B) consideration of the opportunity to create or expand corridors of renewable fuel blend stations along interstate or State highways;

(C) consideration of the experience of each applicant with previous, similar projects;

(D) consideration of population, number of flexible-fuel vehicles, number of retail fuel outlets, and saturation of flexible-fuel vehicles; and

(E) priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuel blends; and

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed.

(3) LIMITATIONS.—Assistance provided under this subsection shall not exceed—

(A) 33 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(B) $180,000 for a combination of equipment at any one retail outlet location.

(4) OPERATION OF RENEWABLE FUEL BLEND STATIONS.—The Secretary shall establish rules that set forth requirements for grant recipients under this section that include providing to the public the renewable fuel blends, establishing a marketing plan that informs consumers of the price and availability of the renewable fuel blends, clearly labeling the dispensers and related equipment, and providing periodic reports on the status of the renewable fuel blend sales, the type and amount of the renewable fuel blends dispensed at each location, and the average price of such fuel.

(5) NOTIFICATION REQUIREMENTS.—Not later than the date on which each renewable fuel blend station begins to offer renewable fuel blends to the public, the grant recipient that used grant funds to construct or upgrade such station shall notify the Secretary of such opening. The Secretary shall add each new renewable fuel blend station to the renewable fuel blend station locator on its Website when it receives notification under this subsection.

(6) DOUBLE COUNTING.—No person that receives a credit under section 30C of the Internal Revenue Code of 1986 may receive assistance under this section.

(7) RESERVATION OF FUNDS.—The Secretary shall reserve funds appropriated for the renewable fuel blends infrastructure development grant program for technical and marketing assistance described in subsection (c).

(c) RETAIL TECHNICAL AND MARKETING ASSISTANCE.—The Secretary shall enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuel blends nationally, for the provision of technical and marketing assistance to recipients of grants under this section. Such assistance shall include—

(1) technical advice for compliance with applicable Federal and State environmental requirements;

(2) help in identifying supply sources and securing long-term contracts; and

(3) provision of public outreach, education, and labeling materials.

(d) REFUELING INFRASTRUCTURE CORRIDORS.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant pilot program (referred to in this subsection as the ''pilot program''), to be administered through the Vehicle Technology Deployment Program of the Department, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in paragraph (2).

(2) GRANT PURPOSES.—A grant under this subsection shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for renewable fuel blends, including—

(A) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuel blends within the corridor;

(B) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuel blends; and

(C) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(3) APPLICATIONS.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(ii) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this subsection—

(I) be submitted by—

(aa) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(bb) a registered participant in the Vehicle Technology Deployment Program of the Department; and

(II) include—

(aa) a description of the project proposed in the application, including the ways in which the project meets the requirements of this subsection;

(bb) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuels blend available within the geographic region of the corridor, measured as a total quantity and a percentage;

(cc) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(dd) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(ee) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(ff) a description of which costs of the project will be supported by Federal assistance under this subsection.

(B) PARTNERS.—An applicant under subparagraph (A) may carry out a project under the pilot program in partnership with public and private entities.

(4) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(A) consider the experience of each applicant with previous, similar projects; and

(B) give priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(iv) represent a partnership of public and private entities; and

(v) exceed the minimum requirements of paragraph (3)(A)(ii).

(5) PILOT PROJECT REQUIREMENTS.—

(A) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(B) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel blend infrastructure development carried out using funds from a grant under this subsection shall be not less than 20 percent.

(C) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(D) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this subsection.

(E) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(6) SCHEDULE.—

(A) INITIAL GRANTS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(B) ADDITIONAL GRANTS.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(7) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this subsection, the Secretary shall submit to Congress a report containing—

(i) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(ii) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(iii) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(B) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a

report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(e) RESTRICTION.—No grant shall be provided under subsection (b) or (c) to a large, vertically integrated oil company.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $200,000,000 for each of the fiscal years 2008 through 2014.

SEC. 245. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation and distribution infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation and distribution of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether adequate competition exists within and between modes of transportation for the transportation and distribution of domestically-produced renewable fuel and, whether inadequate competition leads to an unfair price for the transportation and distribution of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation and distribution of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(H) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SEC. 246. FEDERAL FLEET FUELING CENTERS.

(a) IN GENERAL.—Not later than January 1, 2010, the head of each Federal agency shall install at least 1 renewable fuel pump at each Federal fleet fueling center in the United States under the jurisdiction of the head of the Federal agency.

(b) REPORT.—Not later than October 31 of the first calendar year beginning after the date of the enactment of this Act, and each October 31 thereafter, the President shall submit to Congress a report that describes the progress toward complying with subsection (a), including identifying—

(1) the number of Federal fleet fueling centers that contain at least 1 renewable fuel pump; and

(2) the number of Federal fleet fueling centers that do not contain any renewable fuel pumps.

(c) DEPARTMENT OF DEFENSE FACILITY.—This section shall not apply to a Department of Defense fueling center with a fuel turnover rate of less than 100,000 gallons of fuel per year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 247. STANDARD SPECIFICATIONS FOR BIODIESEL.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by redesignating subsection (s) as subsection (t), redesignating subsection (r) (relating to conversion assistance for cellulosic biomass, waste-derived ethanol, approved renewable fuels) as subsection (s) and by adding the following new subsection at the end thereof:

''(u) STANDARD SPECIFICATIONS FOR BIODIESEL.—(1) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 20 percent biodiesel (commonly known as 'B20') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification number so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

''(2) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 5 percent biodiesel (commonly known as 'B5') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

''(3) Whenever the Administrator is required to initiate a rulemaking under paragraph (1) or (2), the Administrator shall promulgate a final rule within 18 months after the date of the enactment of this subsection.

''(4) Not later than 180 days after the enactment of this subsection, the Administrator shall establish an annual inspection and enforcement program to ensure that diesel fuel containing biodiesel sold or distributed in interstate commerce meets the standards established under regulations under this section, including testing and certification for compliance with applicable standards of the American Society for Testing and Materials. There are authorized to be appropriated to carry out the inspection and enforcement program under this paragraph $3,000,000 for each of fiscal years 2008 through 2010.

''(5) For purposes of this subsection, the term 'biodiesel' has the meaning provided by section 312(f) of Energy Policy Act of 1992 (42 U.S.C. 13220(f)).''.

SEC. 248. BIOFUELS DISTRIBUTION AND ADVANCED BIOFUELS INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation and in consultation with the Administrator of the Environmental Protection Agency, shall carry out a program of research, development, and demonstration relating to existing transportation fuel distribution infrastructure and new alternative distribution infrastructure.

(b) FOCUS.—The program described in subsection (a) shall focus on the physical and chemical properties of biofuels and efforts to prevent or mitigate against adverse impacts of those properties in the areas of—

(1) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(2) dissolving of storage tank sediments;

(3) clogging of filters;

(4) contamination from water or other adulterants or pollutants;

(5) poor flow properties related to low temperatures;

(6) oxidative and thermal instability in long-term storage and uses;

(7) microbial contamination;

(8) problems associated with electrical conductivity; and

(9) such other areas as the Secretary considers appropriate.

Subtitle D—Environmental Safeguards

SEC. 251. WAIVER FOR FUEL OR FUEL ADDITIVES.

Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)) is amended to read as follows:

''(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection or the limitation specified in paragraph (2) of this subsection, if he determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards with respect to which it has been certified pursuant to sections 206 and 213(a). The Administrator shall take final action to grant or deny an application submitted under this paragraph, after public notice and comment, within 270 days of the receipt of such an application.''.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

SEC. 301. EXTERNAL POWER SUPPLY EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (36)—

(A) by striking ''(36) The'' and inserting the following:

''(36) EXTERNAL POWER SUPPLY.—

''(A) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(B) ACTIVE MODE.—The term 'active mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is connected to a load.

''(C) CLASS A EXTERNAL POWER SUPPLY.—

''(i) IN GENERAL.—The term 'class A external power supply' means a device that—

''(I) is designed to convert line voltage AC input into lower voltage AC or DC output;

''(II) is able to convert to only 1 AC or DC output voltage at a time;

''(III) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load;

''(IV) is contained in a separate physical enclosure from the end-use product;

''(V) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and

''(VI) has nameplate output power that is less than or equal to 250 watts.

''(ii) EXCLUSIONS.—The term 'class A external power supply' does not include any device that—

''(I) requires Federal Food and Drug Administration listing and approval as a medical device in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c); or

''(II) powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.

''(D) NO-LOAD MODE.—The term 'no-load mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is not connected to a load.''; and

(2) by adding at the end the following:

''(52) DETACHABLE BATTERY.—The term 'detachable battery' means a battery that is—

''(A) contained in a separate enclosure from the product; and

''(B) intended to be removed or disconnected from the product for recharging.''.

(b) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

''(17) CLASS A EXTERNAL POWER SUPPLIES.—Test procedures for class A external power supplies shall be based on the 'Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies' published by the Environmental Protection Agency on August 11, 2004, except that the test voltage specified in section 4(d) of that test method shall be only 115 volts, 60 Hz.''.

(c) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

''(6) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (D), a class A external power supply manufactured on or after the later of July 1, 2008, or the date of enactment of this paragraph shall meet the following standards:

"Active Mode	
"Nameplate Output	**Required Efficiency (decimal equivalent of a percentage)**
Less than 1 watt	0.5 times the Nameplate Output
From 1 watt to not more than 51 watts	The sum of 0.09 times the Natural Logarithm of the Nameplate Output and 0.5
Greater than 51 watts	0.85
"No-Load Mode	
"Nameplate Output	**Maximum Consumption**
Not more than 250 watts	0.5 watts

''(B) NONCOVERED SUPPLIES.—A class A external power supply shall not be subject to subparagraph (A) if the class A external power supply is—

''(i) manufactured during the period beginning on July 1, 2008, and ending on June 30, 2015; and

''(ii) made available by the manufacturer as a service part or a spare part for an end-use product—

''(I) that constitutes the primary load; and

''(II) was manufactured before July 1, 2008.

''(C) MARKING.—Any class A external power supply manufactured on or after the later of July 1, 2008 or the date of enactment of this paragraph shall be clearly and permanently marked in accordance with the External Power Supply International Efficiency Marking Protocol, as referenced in the 'Energy Star Program Requirements for Single Voltage External AC–DC and AC–AC Power Supplies, version 1.1' published by the Environmental Protection Agency.

''(D) AMENDMENT OF STANDARDS.—

''(i) FINAL RULE BY JULY 1, 2011.—

''(I) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule to determine whether the standards established under subparagraph (A) should be amended.

''(II) ADMINISTRATION.—The final rule shall—

''(aa) contain any amended standards; and

''(bb) apply to products manufactured on or after July 1, 2013.

''(ii) FINAL RULE BY JULY 1, 2015.—

''(I) IN GENERAL.—Not later than July 1, 2015 the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

''(II) ADMINISTRATION.—The final rule shall—

''(aa) contain any amended standards; and

''(bb) apply to products manufactured on or after July 1, 2017.

''(7) END-USE PRODUCTS.—An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which the external power supplies is connected.''.

SEC. 302. UPDATING APPLIANCE TEST PROCEDURES.

(a) CONSUMER APPLIANCES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking ''(1)'' and all that follows through the end of the paragraph and inserting the following:

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

''(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure.''.

(b) INDUSTRIAL EQUIPMENT.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking ''(a)'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

''(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

''(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.''.

SEC. 303. RESIDENTIAL BOILERS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) in the subsection heading, by inserting ''AND BOILERS'' after ''FURNACES'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

''(B) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with a tankless domestic water heating coil) with automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

''(ii) SINGLE INPUT RATE.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

''(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clause (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

''(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.

''(C) EXCEPTION.—A boiler that is manufactured to operate without any need for electricity or any electric connection, electric gauges, electric pumps, electric wires, or electric devices shall not be required to meet the requirements of this paragraph.''.

SEC. 304. FURNACE FAN STANDARD PROCESS.

Paragraph (4)(D) of section 325(f) of the Energy Policy and Conservation Act (42 U.S.C.

6295(f)) (as redesignated by section 303(4)) is amended by striking ''the Secretary may'' and inserting ''not later than December 31, 2013, the Secretary shall''.

SEC. 305. IMPROVING SCHEDULE FOR STANDARDS UPDATING AND CLARIFYING STATE AUTHORITY.

(a) CONSUMER APPLIANCES.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

''(m) AMENDMENT OF STANDARDS.—

''(1) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

''(A) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subsection (n)(2); or

''(B) a notice of proposed rulemaking including new proposed standards based on the criteria established under subsection (o) and the procedures established under subsection (p).

''(2) NOTICE.—If the Secretary publishes a notice under paragraph (1), the Secretary shall—

''(A) publish a notice stating that the analysis of the Department is publicly available; and

''(B) provide an opportunity for written comment.

''(3) AMENDMENT OF STANDARD; NEW DETERMINATION.—

''(A) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under paragraph (1)(B), the Secretary shall publish a final rule amending the standard for the product.

''(B) NEW DETERMINATION.—Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under subparagraph (A) or (B) of paragraph (1).

''(4) APPLICATION TO PRODUCTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an amendment prescribed under this subsection shall apply to—

''(i) with respect to refrigerators, refrigerator-freezers, freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, and kitchen ranges and ovens, such a product that is manufactured after the date that is 3 years after publication of the final rule establishing an applicable standard; and

''(ii) with respect to central air conditioners, heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces, such a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.

''(B) OTHER NEW STANDARDS.—A manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required during the prior 6-year period.

''(5) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

''(A) a progress report every 180 days on compliance with this section, including a specific plan to remedy any failures to comply with deadlines for action established under this section; and

''(B) all required reports to the Court or to any party to the Consent Decree in State of New York v Bodman, Consolidated Civil Actions No. 05 Civ. 7807 and No. 05 Civ. 7808.''.

(b) INDUSTRIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by striking ''(6)(A)(i)'' and all that follows through the end of subparagraph (B) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—

''(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

''(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(B) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

''(C) AMENDMENT OF STANDARD.—

''(i) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

''(I) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subparagraph (A); or

''(II) a notice of proposed rulemaking including new proposed standards based on the criteria and procedures established under subparagraph (B).

''(ii) NOTICE.—If the Secretary publishes a notice under clause (i), the Secretary shall—

''(I) publish a notice stating that the analysis of the Department is publicly available; and

''(II) provide an opportunity for written comment.

''(iii) AMENDMENT OF STANDARD; NEW DETERMINATION.—

''(I) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under clause (i)(II), the Secretary shall publish a final rule amending the standard for the product.

''(II) NEW DETERMINATION.—Not later than 3 years after a determination under clause (i)(I), the Secretary shall make a new determination and publication under subclause (I) or (II) of clause (i).

''(iv) APPLICATION TO PRODUCTS.—An amendment prescribed under this subsection shall apply to products manufactured after a date that is the later of—

''(I) the date that is 3 years after publication of the final rule establishing a new standard; or

''(II) the date that is 6 years after the effective date of the current standard for a covered product.

''(v) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a progress report every 180 days on compliance with this subparagraph, including a specific plan to remedy any failures to comply with deadlines for action established under this subparagraph.''.

SEC. 306. REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.

(a) IN GENERAL.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by adding at the end the following:

''(6) REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.—

''(A) IN GENERAL.—In any rulemaking to establish a new or amended standard, the Secretary may consider the establishment of separate standards by geographic region for furnaces (except boilers), central air conditioners, and heat pumps.

''(B) NATIONAL AND REGIONAL STANDARDS.—

''(i) NATIONAL STANDARD.—If the Secretary establishes a regional standard for a product, the Secretary shall establish a base national standard for the product.

''(ii) REGIONAL STANDARDS.—If the Secretary establishes a regional standard for a product, the Secretary may establish more restrictive standards for the product by geographic region as follows:

''(I) For furnaces, the Secretary may establish 1 additional standard that is applicable in a geographic region defined by the Secretary.

''(II) For any cooling product, the Secretary may establish 1 or 2 additional standards that are applicable in 1 or 2 geographic regions as may be defined by the Secretary.

''(C) BOUNDARIES OF GEOGRAPHIC REGIONS.—

''(i) IN GENERAL.—Subject to clause (ii), the boundaries of additional geographic regions established by the Secretary under this paragraph shall include only contiguous States.

''(ii) ALASKA AND HAWAII.—The States of Alaska and Hawaii may be included under this paragraph in a geographic region that the States are not contiguous to.

''(iii) INDIVIDUAL STATES.—Individual States shall be placed only into a single region under this paragraph.

''(D) PREREQUISITES.—In establishing additional regional standards under this paragraph, the Secretary shall—

''(i) establish additional regional standards only if the Secretary determines that—

''(I) the establishment of additional regional standards will produce significant energy savings in comparison to establishing only a single national standard; and

''(II) the additional regional standards are economically justified under this paragraph; and

''(ii) consider the impact of the additional regional standards on consumers, manufacturers, and other market participants, including product distributors, dealers, contractors, and installers.

''(E) APPLICATION; EFFECTIVE DATE.—

''(i) BASE NATIONAL STANDARD.—Any base national standard established for a product under this paragraph shall—

''(I) be the minimum standard for the product; and

''(II) apply to all products manufactured or imported into the United States on and after the effective date for the standard.

''(ii) REGIONAL STANDARDS.—Any additional and more restrictive regional standard established for a product under this paragraph shall apply to any such product installed on or after the effective date of the standard in States in which the Secretary has designated the standard to apply.

''(F) CONTINUATION OF REGIONAL STANDARDS.—

''(i) IN GENERAL.—In any subsequent rulemaking for any product for which a regional standard has been previously established, the Secretary shall determine whether to continue the establishment of separate regional standards for the product.

''(ii) REGIONAL STANDARD NO LONGER APPROPRIATE.—Except as provided in clause (iii), if the Secretary determines that regional standards are no longer appropriate for a product, beginning on the effective date of the amended standard for the product—

''(I) there shall be 1 base national standard for the product with Federal enforcement; and

''(II) State authority for enforcing a regional standard for the product shall terminate.

''(iii) REGIONAL STANDARD APPROPRIATE BUT STANDARD OR REGION CHANGED.—

''(I) STATE NO LONGER CONTAINED IN REGION.—Subject to subclause (III), if a State is no longer contained in a region in which a regional standard that is more stringent than the base national standard applies, the authority of the State to enforce the regional standard shall terminate.

''(II) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that an existing regional standard for a State is equal to the revised base national standard—

''(aa) the authority of the State to enforce the regional standard shall terminate on the effective date of the revised base national standard; and

''(bb) the State shall be subject to the revised base national standard.

''(III) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that the standard for a State is lower than the previously approved regional standard, the State may continue to enforce the previously approved standard level.

''(iv) WAIVER OF FEDERAL PREEMPTION.—Nothing in this paragraph diminishes the authority of a State to enforce a State regulation for which a waiver of Federal preemption has been granted under section 327(d).

''(G) ENFORCEMENT.—

''(i) BASE NATIONAL STANDARD.—

''(I) IN GENERAL.—The Secretary shall enforce any base national standard.

''(II) TRADE ASSOCIATION CERTIFICATION PROGRAMS.—In enforcing the base national standard, the Secretary shall use, to the maximum extent practicable, national standard nationally recognized certification programs of trade associations.

''(ii) REGIONAL STANDARDS.—

''(I) ENFORCEMENT PLAN.—Not later than 90 days after the date of the issuance of a final rule that establishes a regional standard, the Secretary shall initiate a rulemaking to develop and implement an effective enforcement plan for regional standards for the products that are covered by the final rule.

''(II) RESPONSIBLE ENTITIES.—Any rules regarding enforcement of a regional standard shall clearly specify which entities are legally responsible for compliance with the standards and for making any required information or labeling disclosures.

''(III) FINAL RULE.—Not later than 15 months after the date of the issuance of a final rule that establishes a regional standard for a product, the Secretary shall promulgate a final rule covering enforcement of regional standards for the product.

''(IV) INCORPORATION BY STATES AND LOCALITIES.—A State or locality may incorporate any Federal regional standard into State or local building codes or State appliance standards.

''(V) STATE ENFORCEMENT.—A State agency may seek enforcement of a Federal regional standard in a Federal court of competent jurisdiction.

''(H) INFORMATION DISCLOSURE.—

''(i) IN GENERAL.—Not later than 90 days after the date of the publication of a final rule that establishes a regional standard for a product, the Federal Trade Commission shall undertake a rulemaking to determine the appropriate 1 or more methods for disclosing information so that consumers, distributors, contractors, and installers can easily determine whether a specific piece of equipment that is installed in a specific building is in conformance with the regional standard that applies to the building.

''(ii) METHODS.—A method of disclosing information under clause (i) may include—

''(I) modifications to the Energy Guide label; or

''(II) other methods that make it easy for consumers and installers to use and understand at the point of installation.

''(iii) COMPLETION OF RULEMAKING.—The rulemaking shall be completed not later 15 months after the date of the publication of a final rule that establishes a regional standard for a product.''.

(b) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking ''or'' after the semicolon at the end;

(2) in paragraph (5), by striking ''part.'' and inserting ''part, except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; or''; and

(3) by adding at the end the following:

''(6) for any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.''.

(c) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—Section 342(a)(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)(B)) is amended by adding at the end the following:

''(iii) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—If the Secretary is considering revised standards for air-cooled 3-phase central air conditioners and central air conditioning heat pumps with less 65,000 Btu per hour (cooling capacity), the Secretary shall use commercial energy prices and operating patterns in all analyses conducted by the Secretary.''.

SEC. 307. PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.

Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6925(p)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SEC. 308. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) (as amended by section 307) is amended by adding at the end the following:

''(4) DIRECT FINAL RULES.—

''(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

''(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

''(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(i).

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i) or any alternative joint recommendation; and

''(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o), section 342(a)(6)(B), or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting ''section 325(p)(5),'' after ''The provisions of''.

SEC. 309. BATTERY CHARGERS.

Section 325(u)(1)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(1)(E)) is amended—

(1) by striking ''(E)(i) Not'' and inserting the following:

''(E) EXTERNAL POWER SUPPLIES AND BATTERY CHARGERS.—

''(i) ENERGY CONSERVATION STANDARDS.—

''(I) EXTERNAL POWER SUPPLIES.—Not'';

(2) by striking ''3 years'' and inserting ''2 years'';

(3) by striking ''battery chargers and'' each place it appears; and

(4) by adding at the end the following :

''(II) BATTERY CHARGERS.—Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified.''.

SEC. 310. STANDBY MODE.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (u)—

(A) by striking paragraphs (2), (3), and (4); and

(B) by redesignating paragraph (5) and (6) as paragraphs (2) and (3), respectively;

(2) by redesignating subsection (gg) as subsection (hh);

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

''(gg) STANDBY MODE ENERGY USE.—

''(1) DEFINITIONS.—

''(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), in this subsection:

''(i) ACTIVE MODE.—The term 'active mode' means the condition in which an energy-using product—

''(I) is connected to a main power source;

''(II) has been activated; and

''(III) provides 1 or more main functions.

''(ii) OFF MODE.—The term 'off mode' means the condition in which an energy-using product—

''(I) is connected to a main power source; and

''(II) is not providing any standby or active mode function.

''(iii) STANDBY MODE.—The term 'standby mode' means the condition in which an energy-using product—

''(I) is connected to a main power source; and

''(II) offers 1 or more of the following user-oriented or protective functions:

''(aa) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

''(bb) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

''(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

''(2) TEST PROCEDURES.—

''(A) IN GENERAL.—Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

''(i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or

''(ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible.

''(B) DEADLINES.—The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

''(i) December 31, 2008, for battery chargers and external power supplies.

''(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

''(iii) June 30, 2009, for residential clothes washers.

''(iv) September 30, 2009, for residential furnaces and boilers.

''(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

''(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

''(C) PRIOR PRODUCT STANDARDS.—The test procedure amendments adopted pursuant to subparagraph (B) shall not be used to determine compliance with product standards established prior to the adoption of the amended test procedures.

''(3) INCORPORATION INTO STANDARD.—

''(A) IN GENERAL.—Subject to subparagraph (B), based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), if feasible.

''(B) SEPARATE STANDARDS.—If not feasible, the Secretary shall prescribe within the final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o).''; and

(4) in paragraph (2) of subsection (hh) (as redesignated by paragraph (2)) , by striking ''(ff)'' each place it appears and inserting ''(gg)''.

SEC. 311. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—

(1) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended by striking paragraph (2) and inserting the following:

''(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

''Product Capacity (pints/day):	Minimum Energy Factor (liters/KWh)
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.''.

(2) RESIDENTIAL CLOTHES WASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)) is amended by adding at the end the following:

''(9) RESIDENTIAL CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—

''(A) IN GENERAL.—A top-loading or front-loading standard-size residential clothes washer manufactured on or after January 1, 2011, shall have—

''(i) a Modified Energy Factor of at least 1.26; and

''(ii) a water factor of not more than 9.5.

''(B) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clothes washers manufactured on or after January 1, 2015.

''(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.

''(10) RESIDENTIAL DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—

''(A) IN GENERAL.—A dishwasher manufactured on or after January 1, 2010, shall—

''(i) for a standard size dishwasher not exceed 355 kwh/year and 6.5 gallon per cycle; and

''(ii) for a compact size dishwasher not exceed 260 kwh/year and 4.5 gallons per cycle.

''(B) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018.

''(ii) AMENDED STANDARDShe final rule shall contain any amended standards.''.

(3) REFRIGERATORS AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

''(4) REFRIGERATORS AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—

''(A) IN GENERAL.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014.

''(B) AMENDED STANDARDS.—The final rule shall contain any amended standards.''.

(b) ENERGY STAR.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''January 1, 2010'' and inserting ''July 1, 2009''.

SEC. 312. WALK-IN COOLERS AND WALK-IN FREEZERS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (G) through (K) as subparagraphs (H) through (L), respectively; and

(B) by inserting after subparagraph (F) the following:

''(G) Walk-in coolers and walk-in freezers.'';

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

''(20) WALK-IN COOLER; WALK-IN FREEZER.—

''(A) IN GENERAL.—The terms 'walk-in cooler' and 'walk-in freezer' mean an enclosed storage space refrigerated to temperatures, respectively, above, and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3,000 square feet.

''(B) EXCLUSION.—The terms 'walk-in cooler' and 'walk-in freezer' do not include products designed and marketed exclusively for medical, scientific, or research purposes.''.

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall—

''(A) have automatic door closers that firmly close all walk-in doors that have been closed to within 1 inch of full closure, except that this subparagraph shall not apply to doors wider than 3 feet 9 inches or taller than 7 feet;

''(B) have strip doors, spring hinged doors, or other method of minimizing infiltration when doors are open;

''(C) contain wall, ceiling, and door insulation of at least R–25 for coolers and R–32 for freezers, except that this subparagraph shall not apply to glazed portions of doors nor to structural members;

''(D) contain floor insulation of at least R–28 for freezers;

''(E) for evaporator fan motors of under 1 horsepower and less than 460 volts, use—

''(i) electronically commutated motors (brushless direct current motors); or

''(ii) 3-phase motors;

''(F) for condenser fan motors of under 1 horsepower, use—

''(i) electronically commutated motors;

''(ii) permanent split capacitor-type motors; or

''(iii) 3-phase motors; and

''(G) for all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any), except that light sources with an efficacy of 40 lumens per watt or less, including ballast losses (if any), may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in cooler or walk-in freezer is not occupied by people.

''(2) ELECTRONICALLY COMMUTATED MOTORS.—

''(A) IN GENERAL.—The requirements of paragraph (1)(E)(i) for electronically commutated motors shall take effect January 1, 2009, unless, prior to that date, the Secretary determines that

such motors are only available from 1 manufacturer.

''(B) OTHER TYPES OF MOTORS.—In carrying out paragraph (1)(E)(i) and subparagraph (A), the Secretary may allow other types of motors if the Secretary determines that, on average, those other motors use no more energy in evaporator fan applications than electronically commutated motors.

''(C) MAXIMUM ENERGY CONSUMPTION LEVEL.—The Secretary shall establish the maximum energy consumption level under subparagraph (B) not later than January 1, 2010.

''(3) ADDITIONAL SPECIFICATIONS.—Each walk-in cooler or walk-in freezer with transparent reach-in doors manufactured on or after January 1, 2009, shall also meet the following specifications:

''(A) Transparent reach-in doors for walk-in freezers and windows in walk-in freezer doors shall be of triple-pane glass with either heat-reflective treated glass or gas fill.

''(B) Transparent reach-in doors for walk-in coolers and windows in walk-in cooler doors shall be—

''(i) double-pane glass with heat-reflective treated glass and gas fill; or

''(ii) triple-pane glass with either heat-reflective treated glass or gas fill.

''(C) If the appliance has an antisweat heater without antisweat heat controls, the appliance shall have a total door rail, glass, and frame heater power draw of not more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers).

''(D) If the appliance has an antisweat heater with antisweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers), the antisweat heat controls shall reduce the energy use of the antisweat heater in a quantity corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

''(4) PERFORMANCE-BASED STANDARDS.—

''(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish performance-based standards for walk-in coolers and walk-in freezers that achieve the maximum improvement in energy that the Secretary determines is technologically feasible and economically justified.

''(B) APPLICATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the standards shall apply to products described in subparagraph (A) that are manufactured beginning on the date that is 3 years after the final rule is published.

''(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.

''(5) AMENDMENT OF STANDARDS.—

''(A) IN GENERAL.—Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (4) should be amended.

''(B) APPLICATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the rule shall provide that the standards shall apply to products manufactured beginning on the date that is 3 years after the final rule is published.

''(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.''.

(c) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

''(9) WALK-IN COOLERS AND WALK-IN FREEZERS.—

''(A) IN GENERAL.—For the purpose of test procedures for walk-in coolers and walk-in freezers:

''(i) The R value shall be the 1/K factor multiplied by the thickness of the panel.

''(ii) The K factor shall be based on ASTM test procedure C518–2004.

''(iii) For calculating the R value for freezers, the K factor of the foam at 20°F (average foam temperature) shall be used.

''(iv) For calculating the R value for coolers, the K factor of the foam at 55°F (average foam temperature) shall be used.

''(B) TEST PROCEDURE.—

''(i) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a test procedure to measure the energy-use of walk-in coolers and walk-in freezers.

''(ii) COMPUTER MODELING.—The test procedure may be based on computer modeling, if the computer model or models have been verified using the results of laboratory tests on a significant sample of walk-in coolers and walk-in freezers.''.

(d) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting ''walk-in coolers and walk-in freezers,'' after ''commercial clothes washers,'' each place it appears.

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) by striking ''subparagraphs (B), (C), (D), (E), and (F)'' each place it appears and inserting ''subparagraphs (B) through (G)''; and

(2) by adding at the end the following:

''(h) WALK-IN COOLERS AND WALK-IN FREEZERS.—

''(1) COVERED TYPES.—

''(A) RELATIONSHIP TO OTHER LAW.—

''(i) IN GENERAL.—Except as otherwise provided in this subsection, section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1), (2), and (3) of section 342(f) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

''(ii) STATE STANDARDS.—Any State standard prescribed before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (1) and (2) of section 342(f) take effect.

''(B) ADMINISTRATION.—In applying section 327 to equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

''(2) FINAL RULE NOT TIMELY.—

''(A) IN GENERAL.—If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the time frame established under paragraph (4) or (5) of section 342(f), subsections (b) and (c) of section 327 shall no longer apply to the specific type of walk-in cooler or walk-in freezer during the period—

''(i) beginning on the day after the scheduled date for a final rule; and

''(ii) ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

''(B) STATE STANDARDS.—Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

''(3) CALIFORNIA.—Any standard issued in the State of California before January 1, 2011, under title 20 of the California Code of Regulations, that refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1), (2), and (3) of section 342(f), shall not be preempted until the standards established under section 342(f)(3) take effect.''.

SEC. 313. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively; and

(2) by striking ''(13)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(13) ELECTRIC MOTOR.—

''(A) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE I).—The term 'general purpose electric motor (subtype I)' means any motor that meets the definition of 'General Purpose' as established in the final rule issued by the Department of Energy entitled 'Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors' (10 C.F.R. 431), as in effect on the date of enactment of the Energy Independence and Security Act of 2007.

''(B) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE II).—The term 'general purpose electric motor (subtype II)' means motors incorporating the design elements of a general purpose electric motor (subtype I) that are configured as 1 of the following:

''(i) A U-Frame Motor.

''(ii) A Design C Motor.

''(iii) A close-coupled pump motor.

''(iv) A Footless motor.

''(v) A vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

''(vi) An 8-pole motor (900 rpm).

''(vii) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts.''.

(b) STANDARDS.—

(1) AMENDMENT.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) ELECTRIC MOTORS.—

''(A) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I).—Except as provided in subparagraph (B), each general purpose electric motor (subtype I) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–12.

''(B) FIRE PUMP MOTORS.—Each fire pump motor manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007 shall have nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

''(C) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE II).—Each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

''(D) NEMA DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—Each NEMA Design B, general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full

load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 314. STANDARDS FOR SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND HEAT PUMPS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding at the end the following:

''(22) SINGLE PACKAGE VERTICAL AIR CONDITIONER.—The term 'single package vertical air conditioner' means air-cooled commercial package air conditioning and heating equipment that—

''(A) is factory-assembled as a single package that—

''(i) has major components that are arranged vertically;

''(ii) is an encased combination of cooling and optional heating components; and

''(iii) is intended for exterior mounting on, adjacent interior to, or through an outside wall;

''(B) is powered by a single- or 3-phase current;

''(C) may contain 1 or more separate indoor grilles, outdoor louvers, various ventilation options, indoor free air discharges, ductwork, well plenum, or sleeves; and

''(D) has heating components that may include electrical resistance, steam, hot water, or gas, but may not include reverse cycle refrigeration as a heating means.

''(23) SINGLE PACKAGE VERTICAL HEAT PUMP.—The term 'single package vertical heat pump' means a single package vertical air conditioner that—

''(A) uses reverse cycle refrigeration as its primary heat source; and

''(B) may include secondary supplemental heating by means of electrical resistance, steam, hot water, or gas.''.

(b) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended—

(1) in the first sentence of each of paragraphs (1) and (2), by inserting ''(including single package vertical air conditioners and single package vertical heat pumps)'' after ''heating equipment'' each place it appears;

(2) in paragraph (1), by striking ''but before January 1, 2010,'';

(3) in the first sentence of each of paragraphs (7), (8), and (9), by inserting ''(other than single package vertical air conditioners and single package vertical heat pumps)'' after ''heating equipment'' each place it appears;

(4) in paragraph (7)—

(A) by striking ''manufactured on or after January 1, 2010,'';

(B) in each of subparagraphs (A), (B), and (C), by striking ''The'' and inserting ''For equipment manufactured on or after January 1, 2010, the''; and

(C) by adding at the end the following:

''(D) For equipment manufactured on or after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007—

''(i) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 13.0;

''(ii) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 13.0;

''(iii) the minimum heating seasonal performance factor of air-cooled 3-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 7.7; and

''(iv) the minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 7.7.''; and

(5) by adding at the end the following:

''(10) SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND SINGLE PACKAGE VERTICAL HEAT PUMPS.—

''(A) IN GENERAL.—Single package vertical air conditioners and single package vertical heat pumps manufactured on or after January 1, 2010, shall meet the following standards:

''(i) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0.

''(ii) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0.

''(iii) The minimum energy efficiency ratio of single package vertical air conditioners at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9.

''(iv) The minimum energy efficiency ratio of single package vertical air conditioners at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6.

''(v) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

''(vi) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

''(vii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9 and the minimum coefficient of performance in the heating mode shall be 3.0.

''(viii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6 and the minimum coefficient of performance in the heating mode shall be 2.9.

''(B) REVIEW.—Not later than 3 years after the date of enactment of this paragraph, the Secretary shall review the most recently published ASHRAE/IES Standard 90.1 with respect to single package vertical air conditioners and single package vertical heat pumps in accordance with the procedures established under paragraph (6).''.

SEC. 315. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.''.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting '', or products with improved energy efficiency in cold climates,'' after ''residential Energy Star products''; and

(2) in subsection (e), by inserting ''or product with improved energy efficiency in a cold climate'' after ''residential Energy Star product'' each place it appears.

SEC. 316. TECHNICAL CORRECTIONS.

(a) DEFINITION OF F96T12 LAMP.—

(1) IN GENERAL.—Section 135(a)(1)(A)(ii) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 624) is amended by striking ''C78.1–1978 (R1984)'' and inserting ''C78.3–1978 (R1984)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on August 8, 2005.

(b) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking ''82'' and inserting ''87''.

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 301(a)(2)) is amended—

(A) by striking paragraphs (46) through (48) and inserting the following:

''(46) HIGH INTENSITY DISCHARGE LAMP.—

''(A) IN GENERAL.—The term 'high intensity discharge lamp' means an electric-discharge lamp in which—

''(i) the light-producing arc is stabilized by the arc tube wall temperature; and

''(ii) the arc tube wall loading is in excess of 3 Watts/cm^2.

''(B) INCLUSIONS.—The term 'high intensity discharge lamp' includes mercury vapor, metal halide, and high-pressure sodium lamps described in subparagraph (A).

''(47) MERCURY VAPOR LAMP.—

''(A) IN GENERAL.—The term 'mercury vapor lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation from mercury typically operating at a partial vapor pressure in excess of 100,000 Pa (approximately 1 atm).

''(B) INCLUSIONS.—The term 'mercury vapor lamp' includes clear, phosphor-coated, and self-ballasted screw base lamps described in subparagraph (A).

''(48) MERCURY VAPOR LAMP BALLAST.—The term 'mercury vapor lamp ballast' means a device that is designed and marketed to start and operate mercury vapor lamps intended for general illumination by providing the necessary voltage and current.''; and

(B) by adding at the end the following:

''(53) SPECIALTY APPLICATION MERCURY VAPOR LAMP BALLAST.—The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

''(A) is designed and marketed for operation of mercury vapor lamps used in quality inspection, industrial processing, or scientific use, including fluorescent microscopy and ultraviolet curing; and

''(B) in the case of a specialty application mercury vapor lamp ballast, the label of which—

''(i) provides that the specialty application mercury vapor lamp ballast is 'For specialty applications only, not for general illumination'; and

''(ii) specifies the specific applications for which the ballast is designed.''.

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting ''(other than specialty application mercury vapor lamp ballasts)'' after ''ballasts''.

(d) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (v)—

(A) in the subsection heading, by striking ''CEILING FANS AND'';

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(2) in subsection (ff)—

(A) in paragraph (1)(A)—

(i) by striking clause (iii);

(ii) by redesignating clause (iv) as clause (iii); and

(iii) in clause (iii)(II) (as so redesignated), by inserting ''fans sold for'' before ''outdoor''; and

(B) in paragraph (4)(C)—

(i) in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''; and

(ii) by striking clause (ii) and inserting the following:

''(ii) shall be packaged with lamps to fill all sockets.'';

(C) in paragraph (6), by redesignating subparagraphs (C) and (D) as clauses (i) and (ii), respectively, of subparagraph (B); and

(D) in paragraph (7), by striking ''327'' the second place it appears and inserting ''324''.

Subtitle B—Lighting Energy Efficiency

SEC. 321. EFFICIENT LIGHT BULBS.

(a) ENERGY EFFICIENCY STANDARDS FOR GENERAL SERVICE INCANDESCENT LAMPS.—

(1) DEFINITION OF GENERAL SERVICE INCANDESCENT LAMP.—Section 321(30) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)) is amended—

(A) by striking subparagraph (D) and inserting the following:

''(D) GENERAL SERVICE INCANDESCENT LAMP.—

''(i) IN GENERAL.—The term 'general service incandescent lamp' means a standard incandescent or halogen type lamp that—

''(I) is intended for general service applications;

''(II) has a medium screw base;

''(III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens; and

''(IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

''(ii) EXCLUSIONS.—The term 'general service incandescent lamp' does not include the following incandescent lamps:

''(I) An appliance lamp.

''(II) A black light lamp.

''(III) A bug lamp.

''(IV) A colored lamp.

''(V) An infrared lamp.

''(VI) A left-hand thread lamp.

''(VII) A marine lamp.

''(VIII) A marine signal service lamp.

''(IX) A mine service lamp.

''(X) A plant light lamp.

''(XI) A reflector lamp.

''(XII) A rough service lamp.

''(XIII) A shatter-resistant lamp (including a shatter-proof lamp and a shatter-protected lamp).

''(XIV) A sign service lamp.

''(XV) A silver bowl lamp.

''(XVI) A showcase lamp.

''(XVII) A 3-way incandescent lamp.

''(XVIII) A traffic signal lamp.

''(XIX) A vibration service lamp.

''(XX) A G shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002 with a diameter of 5 inches or more.

''(XXI) A T shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002) and that uses not more than 40 watts or has a length of more than 10 inches.

''(XXII) A B, BA, CA, F, G16–1/2, G–25, G30, S, or M–14 lamp (as defined in ANSI C79.1–2002 and ANSI C78.20–2003) of 40 watts or less.''; and

(B) by adding at the end the following:

''(T) APPLIANCE LAMP.—The term 'appliance lamp' means any lamp that—

''(i) is specifically designed to operate in a household appliance, has a maximum wattage of 40 watts, and is sold at retail, including an oven lamp, refrigerator lamp, and vacuum cleaner lamp; and

''(ii) is designated and marketed for the intended application, with—

''(I) the designation on the lamp packaging; and

''(II) marketing materials that identify the lamp as being for appliance use.

''(U) CANDELABRA BASE INCANDESCENT LAMP.—The term 'candelabra base incandescent lamp' means a lamp that uses candelabra screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designations E11 and E12.

''(V) INTERMEDIATE BASE INCANDESCENT LAMP.—The term 'intermediate base incandescent lamp' means a lamp that uses an intermediate screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designation E17.

''(W) MODIFIED SPECTRUM.—The term 'modified spectrum' means, with respect to an incandescent lamp, an incandescent lamp that—

''(i) is not a colored incandescent lamp; and

''(ii) when operated at the rated voltage and wattage of the incandescent lamp—

''(I) has a color point with (x,y) chromaticity coordinates on the Commission Internationale de l'Eclairage (C.I.E.) 1931 chromaticity diagram that lies below the black-body locus; and

''(II) has a color point with (x,y) chromaticity coordinates on the C.I.E. 1931 chromaticity diagram that lies at least 4 MacAdam steps (as referenced in IESNA LM16) distant from the color point of a clear lamp with the same filament and bulb shape, operated at the same rated voltage and wattage.

''(X) ROUGH SERVICE LAMP.—The term 'rough service lamp' means a lamp that—

''(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA Lighting handbook, or similar configurations where lead wires are not counted as supports; and

''(ii) is designated and marketed specifically for 'rough service' applications, with—

''(I) the designation appearing on the lamp packaging; and

''(II) marketing materials that identify the lamp as being for rough service.

''(Y) 3-WAY INCANDESCENT LAMP.—The term '3-way incandescent lamp' includes an incandescent lamp that—

''(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and

''(ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.

''(Z) SHATTER-RESISTANT LAMP, SHATTER-PROOF LAMP, OR SHATTER-PROTECTED LAMP.—The terms 'shatter-resistant lamp', 'shatter-proof lamp', and 'shatter-protected lamp' mean a lamp that—

''(i) has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and

''(ii) is designated and marketed for the intended application, with—

''(I) the designation on the lamp packaging; and

''(II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.

''(AA) VIBRATION SERVICE LAMP.—The term 'vibration service lamp' means a lamp that—

''(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations;

''(ii) has a maximum wattage of 60 watts;

''(iii) is sold at retail in packages of 2 lamps or less; and

''(iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—

''(I) the designation appearing on the lamp packaging; and

''(II) marketing materials that identify the lamp as being vibration service only.

''(BB) GENERAL SERVICE LAMP.—

''(i) IN GENERAL.—The term 'general service lamp' includes—

''(I) general service incandescent lamps;

''(II) compact fluorescent lamps;

''(III) general service light-emitting diode (LED or OLED) lamps; and

''(IV) any other lamps that the Secretary determines are used to satisfy lighting applications traditionally served by general service incandescent lamps.

''(ii) EXCLUSIONS.—The term 'general service lamp' does not include—

''(I) any lighting application or bulb shape described in any of subclauses (I) through (XXII) of subparagraph (D)(ii); or

''(II) any general service fluorescent lamp or incandescent reflector lamp.

''(CC) LIGHT-EMITTING DIODE; LED.—

''(i) IN GENERAL.—The terms 'light-emitting diode' and 'LED' means a p-n junction solid state device the radiated output of which is a function of the physical construction, material used, and exciting current of the device.

''(ii) OUTPUT.—The output of a light-emitting diode may be in—

''(I) the infrared region;

''(II) the visible region; or

''(III) the ultraviolet region.

''(DD) ORGANIC LIGHT-EMITTING DIODE; OLED.—The terms 'organic light-emitting diode' and 'OLED' mean a thin-film light-emitting device that typically consists of a series of organic layers between 2 electrical contacts (electrodes).

''(EE) COLORED INCANDESCENT LAMP.—The term 'colored incandescent lamp' means an incandescent lamp designated and marketed as a colored lamp that has—

''(i) a color rendering index of less than 50, as determined according to the test method given in C.I.E. publication 13.3–1995; or

''(ii) a correlated color temperature of less than 2,500K, or greater than 4,600K, where correlated temperature is computed according to the Journal of Optical Society of America, Vol. 58, pages 1528–1595 (1986).''.

(2) COVERAGE.—Section 322(a)(14) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)(14)) is amended by inserting '', general service incandescent lamps,'' after ''fluorescent lamps''.

(3) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(A) in subsection (i)—

(i) in the section heading, by inserting '', GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS,'' after ''FLUORESCENT LAMPS'';

(ii) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting '', general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps,'' after ''fluorescent lamps'';

(bb) by inserting '', new maximum wattage,'' after ''lamp efficacy''; and

(cc) by inserting after the table entitled ''INCANDESCENT REFLECTOR LAMPS'' the following:

''GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014

''GENERAL SERVICE INCANDESCENT LAMPS—Continued

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
310–749	29	1,000 hrs	1/1/2014

''MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014'';

and

(II) by striking subparagraph (B) and inserting the following:

''(B) APPLICATION.—

''(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

''(I) is intended for a general service or general illumination application (whether incandescent or not);

''(II) has a medium screw base or any other screw base not defined in ANSI C81.61–2006;

''(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

''(IV) is manufactured or imported after December 31, 2011.

''(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

''(I) 80 for nonmodified spectrum lamps; or

''(II) 75 for modified spectrum lamps.

''(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

''(i) CANDELABRA BASE INCANDESCENT LAMPS.—A candelabra base incandescent lamp shall not exceed 60 rated watts.

''(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—An intermediate base incandescent lamp shall not exceed 40 rated watts.

''(D) EXEMPTIONS.—

''(i) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

''(ii) CRITERIA.—The Secretary may grant an exemption under clause (i) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

''(iii) ADDITIONAL CRITERION.—To grant an exemption for a product under this subparagraph, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

''(E) EXTENSION OF COVERAGE.—

''(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

''(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

''(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

''(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

''(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based on sales data provided to the Secretary from manufacturers and importers.

''(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

''(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

''(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

''(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

''(F) DEFINITION OF EFFECTIVE DATE.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A), the term 'effective date' means the last day of the month specified in the table that follows October 24, 1992.'';

(iii) in paragraph (5), in the first sentence, by striking ''and general service incandescent lamps'';

(iv) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(v) by inserting after paragraph (5) the following:

''(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

''(A) RULEMAKING BEFORE JANUARY 1, 2014.—

''(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended to establish more stringent standards than the standards specified in paragraph (1)(A); and

''(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking—

''(I) shall not be limited to incandescent lamp technologies; and

''(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the sale of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

''(vi) STATE PREEMPTION.—Neither section 327(b) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

''(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

''(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

''(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

''(B) RULEMAKING BEFORE JANUARY 1, 2020.—

''(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattage than the standards specified in paragraph (1)(A); and

''(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales data collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.''; and

(B) in subsection (l), by adding at the end the following:

''(4) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LAMPS.—

''(A) IN GENERAL.—The Secretary shall prescribe an energy efficiency standard for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general

service incandescent lamps, and shatter-resistant lamps only in accordance with this paragraph.

''(B) BENCHMARKS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

''(i) collect actual data for United States unit sales for each of calendar years 1990 through 2006 for each of the 5 types of lamps described in subparagraph (A) to determine the historical growth rate of the type of lamp; and

''(ii) construct a model for each type of lamp based on coincident economic indicators that closely match the historical annual growth rate of the type of lamp to provide a neutral comparison benchmark to model future unit sales after calendar year 2006.

''(C) ACTUAL SALES DATA.—

''(i) IN GENERAL.—Effective for each of calendar years 2010 through 2025, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

''(I) collect actual United States unit sales data for each of 5 types of lamps described in subparagraph (A); and

''(II) not later than 90 days after the end of each calendar year, compare the lamp sales in that year with the sales predicted by the comparison benchmark for each of the 5 types of lamps described in subparagraph (A).

''(ii) CONTINUATION OF TRACKING.—

''(I) DETERMINATION.—Not later than January 1, 2023, the Secretary shall determine if actual sales data should be tracked for the lamp types described in subparagraph (A) after calendar year 2025.

''(II) CONTINUATION.—If the Secretary finds that the market share of a lamp type described in subparagraph (A) could significantly erode the market share for general service lamps, the Secretary shall continue to track the actual sales data for the lamp type.

''(D) ROUGH SERVICE LAMPS.—

''(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for rough service lamps demonstrates actual unit sales of rough service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

''(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

''(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for rough service lamps.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require rough service lamps to—

''(I) have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp;

''(II) have a maximum 40-watt limitation; and

''(III) be sold at retail only in a package containing 1 lamp.

''(E) VIBRATION SERVICE LAMPS.—

''(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for vibration service lamps demonstrates actual unit sales of vibration service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

''(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

''(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for vibration service lamps.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require vibration service lamps to—

''(I) have a maximum 40-watt limitation; and

''(II) be sold at retail only in a package containing 1 lamp.

''(F) 3-WAY INCANDESCENT LAMPS.—

''(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for 3-way incandescent lamps demonstrates actual unit sales of 3-way incandescent lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

''(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

''(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for 3-way incandescent lamps.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall require that—

''(I) each filament in a 3-way incandescent lamp meet the new maximum wattage requirements for the respective lumen range established under subsection (i)(1)(A); and

''(II) 3-way lamps be sold at retail only in a package containing 1 lamp.

''(G) 2,601–3,300 LUMEN GENERAL SERVICE INCANDESCENT LAMPS.—Effective beginning with the first year that the reported annual sales rate demonstrates actual unit sales of 2,601–3,300 lumen general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens (or, in the case of a modified spectrum, in the lumen range of 1,951 through 2,475 lumens) that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall impose—

''(i) a maximum 95-watt limitation on general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens; and

''(ii) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

''(H) SHATTER-RESISTANT LAMPS.—

''(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for shatter-resistant lamps demonstrates actual unit sales of shatter-resistant lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

''(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

''(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for shatter-resistant lamps.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall impose—

''(I) a maximum wattage limitation of 40 watts on shatter resistant lamps; and

''(II) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

''(I) RULEMAKINGS BEFORE JANUARY 1, 2025.—

''(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary issues a final rule prior to January 1, 2025, establishing an energy conservation standard for any of the 5 types of lamps for which data collection is required under any of subparagraphs (D) through (G), the requirement to collect and model data for that type of lamp shall terminate unless, as part of the rulemaking, the Secretary determines that continued tracking is necessary.

''(ii) BACKSTOP REQUIREMENT.—If the Secretary imposes a backstop requirement as a result of a failure to complete an accelerated rulemaking in accordance with clause (i)(II) of any of subparagraphs (D) through (G), the requirement to collect and model data for the applicable type of lamp shall continue for an additional 2 years after the effective date of the backstop requirement.''.

(b) CONSUMER EDUCATION AND LAMP LABELING.—Section 324(a)(2)(C) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)) is amended by adding at the end the following:

''(iii) RULEMAKING TO CONSIDER EFFECTIVENESS OF LAMP LABELING.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this clause, the Commission shall initiate a rulemaking to consider—

''(aa) the effectiveness of current lamp labeling for power levels or watts, light output or lumens, and lamp lifetime; and

''(bb) alternative labeling approaches that will help consumers to understand new high-efficiency lamp products and to base the purchase decisions of the consumers on the most appropriate source that meets the requirements of the consumers for lighting level, light quality, lamp lifetime, and total lifecycle cost.

''(II) COMPLETION.—The Commission shall—

''(aa) complete the rulemaking not later than the date that is 30 months after the date of enactment of this clause; and

''(bb) consider reopening the rulemaking not later than 180 days before the effective dates of the standards for general service incandescent lamps established under section 325(i)(1)(A), if the Commission determines that further labeling changes are needed to help consumers understand lamp alternatives.''.

(c) MARKET ASSESSMENTS AND CONSUMER AWARENESS PROGRAM.—

(1) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Federal Trade Commission, lighting and retail industry associations, energy efficiency organizations, and any other entities that the Secretary of Energy determines to be appropriate, the Secretary of Energy shall—

(A) conduct an annual assessment of the market for general service lamps and compact fluorescent lamps—

(i) to identify trends in the market shares of lamp types, efficiencies, and light output levels purchased by residential and nonresidential consumers; and

(ii) to better understand the degree to which consumer decisionmaking is based on lamp power levels or watts, light output or lumens, lamp lifetime, and other factors, including information required on labels mandated by the Federal Trade Commission;

(B) provide the results of the market assessment to the Federal Trade Commission for consideration in the rulemaking described in section 324(a)(2)(C)(iii) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)(iii)); and

(C) in cooperation with industry trade associations, lighting industry members, utilities, and other interested parties, carry out a proactive national program of consumer awareness, information, and education that broadly uses the media and other effective communication techniques over an extended period of time to help consumers understand the lamp labels and make energy-efficient lighting choices that meet the needs of consumers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2009 through 2012.

(d) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A

PRODUCT.—Section 327(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by inserting ''or'' after the semicolon at the end; and

(3) by adding at the end the following:

''(B) in the case of any portion of any regulation that establishes requirements for general service incandescent lamps, intermediate base incandescent lamps, or candelabra base lamps, was enacted or adopted by the States of California or Nevada before December 4, 2007, except that—

''(i) the regulation adopted by the California Energy Commission with an effective date of January 1, 2008, shall only be effective until the effective date of the Federal standard for the applicable lamp category under subparagraphs (A), (B), and (C) of section 325(i)(1);

''(ii) the States of California and Nevada may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards with effective dates no earlier than 12 months prior to the Federal effective dates prescribed under subparagraphs (A), (B), and (C) of section 325(i)(1), at which time any prior regulations adopted by the States of California or Nevada shall no longer be effective; and

''(iii) all other States may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards and effective dates.''.

(e) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking ''or'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(6) for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

''(A) is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lampholder with a medium screw base socket; and

''(B) is capable of being operated at a voltage range at least partially within 110 and 130 volts.''.

(f) ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended by inserting after the second sentence the following: ''Any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 325(i) or an adapter prohibited under section 332(a)(6) may also be brought by the attorney general of a State in the name of the State.''.

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out a lighting technology research and development program—

(A) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(B) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the wattage requirements imposed as a result of the amendments made by subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2008 through 2013.

(3) TERMINATION OF AUTHORITY.—The program under this subsection shall terminate on September 30, 2015.

(h) REPORTS TO CONGRESS.—

(1) REPORT ON MERCURY USE AND RELEASE.—Not later than 1 year after the date of enactment of this Act, the Secretary , in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

(2) REPORT ON RULEMAKING SCHEDULE.—Beginning on July 1, 2013 and semiannually through July 1, 2016, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(A) whether the Secretary will meet the deadlines for the rulemakings required under this section;

(B) a description of any impediments to meeting the deadlines; and

(C) a specific plan to remedy any failures, including recommendations for additional legislation or resources.

(3) NATIONAL ACADEMY REVIEW.—

(A) IN GENERAL.—Not later than December 31, 2009, the Secretary shall enter into an arrangement with the National Academy of Sciences to provide a report by December 31, 2013, and an updated report by July 31, 2015. The report should include—

(i) the status of advanced solid state lighting research, development, demonstration and commercialization;

(ii) the impact on the types of lighting available to consumers of an energy conservation standard requiring a minimum of 45 lumens per watt for general service lighting effective in 2020; and

(iii) the time frame for the commercialization of lighting that could replace current incandescent and halogen incandescent lamp technology and any other new technologies developed to meet the minimum standards required under subsection (a) (3) of this section.

(B) REPORTS.—The reports shall be transmitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 322. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 316(c)(1)(D)) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking ''or similar bulb shapes (excluding ER or BR)'' and inserting ''ER, BR, BPAR, or similar bulb shapes''; and

(ii) by striking ''2.75'' and inserting ''2.25''; and

(B) by striking ''is either—'' and all that follows through subclause (II) and inserting ''has a rated wattage that is 40 watts or higher''; and

(2) by adding at the end the following:

''(54) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

''(55) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

''(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

''(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(56) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

''(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

''(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(57) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.''.

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6995(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

''(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36

''FLUORESCENT LAMPS—Continued

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

''(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(iii) R20 incandescent reflector lamps rated 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

''(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.''.

SEC. 323. PUBLIC BUILDING ENERGY EFFICIENT AND RENEWABLE ENERGY SYSTEMS.

(a) ESTIMATE OF ENERGY PERFORMANCE IN PROSPECTUS.—Section 3307(b) of title 40, United States Code, is amended—

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

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

(3) by inserting after paragraph (6) the following:

''(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.''.

(b) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—Section 3307 of such of title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.''.

(c) USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.—

(1) IN GENERAL.—Chapter 33 of such title is amended—

(A) by redesignating sections 3313, 3314, and 3315 as sections 3314, 3315, and 3316, respectively; and

(B) by inserting after section 3312 the following:

''§3313. Use of energy efficient lighting fixtures and bulbs

''(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

''(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

''(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

''(1) the life-cycle cost effectiveness of the fixture or bulb;

''(2) the compatibility of the fixture or bulb with existing equipment;

''(3) whether use of the fixture or bulb could result in interference with productivity;

''(4) the aesthetics relating to use of the fixture or bulb; and

''(5) such other factors as the Administrator determines appropriate.

''(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

''(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

''(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

''(3) the Administrator and the Secretary of Energy have otherwise determined that the fixture or bulb is energy efficient.

''(e) ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for use in public buildings.

''(f) GUIDELINES.—The Administrator shall develop guidelines for the use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

''(g) APPLICABILITY OF BUY AMERICAN ACT.—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c et seq.).

''(h) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.''.

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

''3313. Use of energy efficient lighting fixtures and bulbs.
''3314. Delegation.
''3315. Report to Congress.
''3316. Certain authority not affected.''.

(d) EVALUATION FACTOR.—Section 3310 of such title is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;''.

SEC. 324. METAL HALIDE LAMP FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 322(a)(2)) is amended by adding at the end the following:

''(58) BALLAST.—The term 'ballast' means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

''(59) BALLAST EFFICIENCY.—

''(A) IN GENERAL.—The term 'ballast efficiency' means, in the case of a high intensity discharge fixture, the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated in accordance with the following formula: Efficiency = P_{out}/P_{in}.

''(B) EFFICIENCY FORMULA.—For the purpose of subparagraph (A)—

''(i) P_{out} shall equal the measured operating lamp wattage;

''(ii) P_{in} shall equal the measured operating input wattage;

''(iii) the lamp, and the capacitor when the capacitor is provided, shall constitute a nominal system in accordance with the ANSI Standard C78.43–2004;

''(iv) for ballasts with a frequency of 60 Hz, P_{in} and P_{out} shall be measured after lamps have been stabilized according to section 4.4 of ANSI Standard C82.6–2005 using a wattmeter with accuracy specified in section 4.5 of ANSI Standard C82.6–2005; and

''(v) for ballasts with a frequency greater than 60 Hz, P_{in} and P_{out} shall have a basic accuracy of ± 0.5 percent at the higher of—

''(I) 3 times the output operating frequency of the ballast; or

''(II) 2 kHz for ballast with a frequency greater than 60 Hz.

''(C) MODIFICATION.—The Secretary may, by rule, modify the definition of 'ballast efficiency' if the Secretary determines that the modification is necessary or appropriate to carry out the purposes of this Act.

''(60) ELECTRONIC BALLAST.—The term 'electronic ballast' means a device that uses semiconductors as the primary means to control lamp starting and operation.

''(61) GENERAL LIGHTING APPLICATION.—The term 'general lighting application' means lighting that provides an interior or exterior area with overall illumination.

''(62) METAL HALIDE BALLAST.—The term 'metal halide ballast' means a ballast used to start and operate metal halide lamps.

''(63) METAL HALIDE LAMP.—The term 'metal halide lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

''(64) METAL HALIDE LAMP FIXTURE.—The term 'metal halide lamp fixture' means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

''(65) PROBE-START METAL HALIDE BALLAST.—The term 'probe-start metal halide ballast' means a ballast that—

''(A) starts a probe-start metal halide lamp that contains a third starting electrode (probe) in the arc tube; and

''(B) does not generally contain an igniter but instead starts lamps with high ballast open circuit voltage.

''(66) PULSE-START METAL HALIDE BALLAST.—

''(A) IN GENERAL.—The term 'pulse-start metal halide ballast' means an electronic or electromagnetic ballast that starts a pulse-start metal halide lamp with high voltage pulses.

''(B) STARTING PROCESS.—For the purpose of subparagraph (A)—

''(i) lamps shall be started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge; and

''(ii) to complete the starting process, power shall be provided by the ballast to sustain the discharge through the glow-to-arc transition.''.

(b) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (19) as paragraph (20); and

(2) by inserting after paragraph (18) the following:

''(19) Metal halide lamp fixtures.''.

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 301(b)) is amended by adding at the end the following:

''(18) METAL HALIDE LAMP BALLASTS.—Test procedures for metal halide lamp ballasts shall be based on ANSI Standard C82.6–2005, entitled 'Ballasts for High Intensity Discharge Lamps—Method of Measurement'.''.

(d) LABELING.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) METAL HALIDE LAMP FIXTURES.—

''(i) IN GENERAL.—The Commission shall issue labeling rules under this section applicable to the covered product specified in section 322(a)(19) and to which standards are applicable under section 325.

''(ii) LABELING.—The rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or the date that is 270 days after the date of enactment of this subparagraph, shall indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 2008, a capital letter 'E' printed within a circle on the packaging of the fixture, and on the ballast contained in the fixture.''.

(e) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 310) is amended—

(1) by redesignating subsection (hh) as subsection (ii);

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

''(hh) METAL HALIDE LAMP FIXTURES.—

''(1) STANDARDS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

''(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

''(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

''(iii) a nonpulse-start electronic ballast with—

''(I) a minimum ballast efficiency of 92 percent for wattages greater than 250 watts; and

''(II) a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

''(B) EXCLUSIONS.—The standards established under subparagraph (A) shall not apply to—

''(i) fixtures with regulated lag ballasts;

''(ii) fixtures that use electronic ballasts that operate at 480 volts; or

''(iii) fixtures that—

''(I) are rated only for 150 watt lamps;

''(II) are rated for use in wet locations, as specified by the National Electrical Code 2002, section 410.4(A); and

''(III) contain a ballast that is rated to operate at ambient air temperatures above 50°C, as specified by UL 1029–2001.

''(C) APPLICATION.—The standards established under subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of—

''(i) January 1, 2009; or

''(ii) the date that is 270 days after the date of enactment of this subsection.

''(2) FINAL RULE BY JANUARY 1, 2012.—

''(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended.

''(B) ADMINISTRATION.—The final rule shall—

''(i) contain any amended standard; and

''(ii) apply to products manufactured on or after January 1, 2015.

''(3) FINAL RULE BY JANUARY 1, 2019.—

''(A) IN GENERAL.—Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

''(B) ADMINISTRATION.—The final rule shall—

''(i) contain any amended standards; and

''(ii) apply to products manufactured after January 1, 2022.

''(4) DESIGN AND PERFORMANCE REQUIREMENTS.—Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements.''; and

(3) in paragraph (2) of subsection (ii) (as redesignated by paragraph (2)), by striking ''(gg)'' each place it appears and inserting ''(hh)''.

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) in paragraph (8)(B), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(9) is a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before January 1, 2011, except that—

''(A) if the Secretary fails to issue a final rule within 180 days after the deadlines for rulemakings in section 325(hh), notwithstanding any other provision of this section, preemption shall not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission—

''(i) on or before July 1, 2015, if the Secretary fails to meet the deadline specified in section 325(hh)(2); or

''(ii) on or before July 1, 2022, if the Secretary fails to meet the deadline specified in section 325(hh)(3).''.

SEC. 325. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) (as amended by section 324(d)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(I) LABELING REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, prescribe labeling or other disclosure requirements for the energy use of—

''(I) televisions;

''(II) personal computers;

''(III) cable or satellite set-top boxes;

''(IV) stand-alone digital video recorder boxes; and

''(V) personal computer monitors.

''(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may, by regulation, prescribe labeling or other disclosure requirements for a consumer product category described in clause (i) if the Commission—

''(I) identifies adequate non-Department of Energy testing procedures for those products; and

''(II) determines that labeling of, or other disclosures relating to, those products is likely to assist consumers in making purchasing decisions.

''(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

''(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of, or other disclosure requirements for, electronic products described in clause (i).

''(II) REQUIREMENTS.—The requirements prescribed under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

''(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

''(I) is not technologically or economically feasible; or

''(II) is not likely to assist consumers in making purchasing decisions.''; and

(2) by adding at the end the following:

''(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may, by regulation, require labeling or other disclosures in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.''.

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

''(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(I) or (6) of subsection (a).''.

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

SEC. 401. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Green Building Advisory Committee established under section 484.

(3) COMMERCIAL DIRECTOR.—The term ''Commercial Director'' means the individual appointed to the position established under section 421.

(4) CONSORTIUM.—The term ''Consortium'' means the High-Performance Green Building Partnership Consortium created in response to section 436(c)(1) to represent the private sector

in a public-private partnership to promote high-performance green buildings and zero-net-energy commercial buildings.

(5) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term ''cost-effective lighting technology'' means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b);

(II) Federal acquisition regulation 23–203; and

(III) is at least as energy-conserving as required by other provisions of this Act, including the requirements of this title and title III which shall be applicable to the extent that they would achieve greater energy savings than provided under clause (i) or this clause.

(B) INCLUSIONS.—The term ''cost-effective lighting technology'' includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(6) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term ''cost-effective technologies and practices'' means a technology or practice that—

(A) will result in substantial operational cost savings by reducing electricity or fossil fuel consumption, water, or other utility costs, including use of geothermal heat pumps;

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203; and

(C) is at least as energy and water conserving as required under this title, including sections 431 through 435, and title V, including section 511 through 525, which shall be applicable to the extent that they are more stringent or require greater energy or water savings than required by this section.

(7) FEDERAL DIRECTOR.—The term ''Federal Director'' means the individual appointed to the position established under section 436(a).

(8) FEDERAL FACILITY.—The term ''Federal facility'' means any building that is constructed, renovated, leased, or purchased in part or in whole for use by the Federal Government.

(9) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 329(b) of the Clean Air Act, that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices including geothermal heat pumps by not later than the later of the date established under sections 431 through 434, or—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term ''operational cost savings'' includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term ''operational cost savings'' does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(10) GEOTHERMAL HEAT PUMP.—The term ''geothermal heat pump'' means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(11) GSA FACILITY.—

(A) IN GENERAL.—The term ''GSA facility'' means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''GSA facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''GSA facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

(12) HIGH-PERFORMANCE BUILDING.—The term ''high performance building'' means a building that integrates and optimizes on a life cycle basis all major high performance attributes, including energy conservation, environment, safety, security, durability, accessibility, cost-benefit, productivity, sustainability, functionality, and operational considerations.

(13) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a high-performance building that, during its life-cycle, as compared with similar buildings (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency)—

(A) reduces energy, water, and material resource use;

(B) improves indoor environmental quality, including reducing indoor pollution, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(C) reduces negative impacts on the environment throughout the life-cycle of the building, including air and water pollution and waste generation;

(D) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(E) increases reuse and recycling opportunities;

(F) integrates systems in the building;

(G) reduces the environmental and energy impacts of transportation through building location and site design that support a full range of transportation choices for users of the building; and

(H) considers indoor and outdoor effects of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Federal Director or the Commercial Director consider to be appropriate.

(14) LIFE-CYCLE.—The term ''life-cycle'', with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a high-performance green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the high-performance green building.

(15) LIFE-CYCLE ASSESSMENT.—The term ''life-cycle assessment'' means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(16) LIFE-CYCLE COSTING.—The term ''life-cycle costing'', with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(17) OFFICE OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term ''Office of Commercial High-Performance Green Buildings'' means the Office of Commercial High-Performance Green Buildings established under section 421(a).

(18) OFFICE OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term ''Office of Federal High-Performance Green Buildings'' means the Office of Federal High-Performance Green Buildings established under section 436(a).

(19) PRACTICES.—The term ''practices'' means design, financing, permitting, construction, commissioning, operation and maintenance, and other practices that contribute to achieving zero-net-energy buildings or facilities.

(20) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term ''zero-net-energy commercial building'' means a commercial building that is designed, constructed, and operated to—

(A) require a greatly reduced quantity of energy to operate;

(B) meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) therefore result in no net emissions of greenhouse gases; and

(D) be economically viable.

Subtitle A—Residential Building Efficiency

SEC. 411. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking '' appropriated $500,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, and $700,000,000 for fiscal year 2008'' and inserting ''appropriated—

''(1) $750,000,000 for fiscal year 2008;

''(2) $900,000,000 for fiscal year 2009;

''(3) $1,050,000,000 for fiscal year 2010;

''(4) $1,200,000,000 for fiscal year 2011; and

''(5) $1,400,000,000 for fiscal year 2012.''.

(b) SUSTAINABLE ENERGY RESOURCES FOR CONSUMERS GRANTS.—

(1) IN GENERAL.—The Secretary may make funding available to local weatherization agencies from amounts authorized under the amendment made by subsection (a) to expand the weatherization assistance program for residential buildings to include materials, benefits, and renewable and domestic energy technologies not covered by the program (as of the date of enactment of this Act), if the State weatherization

grantee certifies that the applicant has the capacity to carry out the proposed activities and that the grantee will include the project in the financial oversight of the grantee of the weatherization assistance program.

(2) PRIORITY.—In selecting grant recipients under this subsection, the Secretary shall give priority to—

(A) the expected effectiveness and benefits of the proposed project to low- and moderate-income energy consumers;

(B) the potential for replication of successful results;

(C) the impact on the health and safety and energy costs of consumers served; and

(D) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships.

(3) FUNDING.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amount of funds used for projects described in paragraph (1) may equal up to 2 percent of the amount of funds made available for any fiscal year under section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872).

(B) EXCEPTION.—No funds may be used for sustainable energy resources for consumers grants for a fiscal year under this subsection if the amount of funds made available for the fiscal year to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) is less than $275,000,000.

(c) DEFINITION OF STATE.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.''.

SEC. 412. STUDY OF RENEWABLE ENERGY REBATE PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct, and submit to Congress a report on, a study regarding the rebate programs established under sections 124 and 206(c) of the Energy Policy Act of 2005 (42 U.S.C. 15821, 15853).

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) develop a plan for how the rebate programs would be carried out if the programs were funded; and

(2) determine the minimum amount of funding the program would need to receive in order to accomplish the goals of the programs.

SEC. 413. ENERGY CODE IMPROVEMENTS APPLICABLE TO MANUFACTURED HOUSING.

(a) ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall by regulation establish standards for energy efficiency in manufactured housing.

(2) NOTICE, COMMENT, AND CONSULTATION.—Standards described in paragraph (1) shall be established after—

(A) notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties; and

(B) consultation with the Secretary of Housing and Urban Development, who may seek further counsel from the Manufactured Housing Consensus Committee.

(b) REQUIREMENTS.—

(1) INTERNATIONAL ENERGY CONSERVATION CODE.—The energy conservation standards established under this section shall be based on the most recent version of the International Energy Conservation Code (including supplements), except in cases in which the Secretary finds that the code is not cost-effective, or a more stringent standard would be more cost-effective, based on the impact of the code on the purchase price of manufactured housing and on total life-cycle construction and operating costs.

(2) CONSIDERATIONS.—The energy conservation standards established under this section may—

(A) take into consideration the design and factory construction techniques of manufactured homes;

(B) be based on the climate zones established by the Department of Housing and Urban Development rather than the climate zones under the International Energy Conservation Code; and

(C) provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.

(3) UPDATING.—The energy conservation standards established under this section shall be updated not later than—

(A) 1 year after the date of enactment of this Act; and

(B) 1 year after any revision to the International Energy Conservation Code.

(c) ENFORCEMENT.—Any manufacturer of manufactured housing that violates a provision of the regulations under subsection (a) is liable to the United States for a civil penalty in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing.

Subtitle B—High-Performance Commercial Buildings

SEC. 421. COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.

(a) DIRECTOR OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—Notwithstanding any other provision of law, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall appoint a Director of Commercial High-Performance Green Buildings to a position in the career-reserved Senior Executive service, with the principal responsibility to—

(1) establish and manage the Office of Commercial High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) QUALIFICATIONS.—The Commercial Director shall be an individual, who by reason of professional background and experience, is specifically qualified to carry out the duties required under this subtitle.

(c) DUTIES.—The Commercial Director shall, with respect to development of high-performance green buildings and zero-energy commercial buildings nationwide—

(1) coordinate the activities of the Office of Commercial High-Performance Green Buildings with the activities of the Office of Federal High-Performance Green Buildings;

(2) develop the legal predicates and agreements for, negotiate, and establish one or more public-private partnerships with the Consortium, members of the Consortium, and other capable parties meeting the qualifications of the Consortium, to further such development;

(3) represent the public and the Department in negotiating and performing in accord with such public-private partnerships;

(4) use appropriated funds in an effective manner to encourage the maximum investment of private funds to achieve such development;

(5) promote research and development of high performance green buildings, consistent with section 423; and

(6) jointly establish with the Federal Director a national high-performance green building clearinghouse in accordance with section 423(1), which shall provide high-performance green building information and disseminate research results through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance.

(d) REPORTING.—The Commercial Director shall report directly to the Assistant Secretary for Energy Efficiency and Renewable Energy, or to other senior officials in a way that facilitates the integrated program of this subtitle for both energy efficiency and renewable energy and both technology development and technology deployment.

(e) COORDINATION.—The Commercial Director shall ensure full coordination of high-performance green building information and activities, including activities under this subtitle, within the Federal Government by working with the General Services Administration and all relevant agencies, including, at a minimum—

(1) the Environmental Protection Agency;

(2) the Office of the Federal Environmental Executive;

(3) the Office of Federal Procurement Policy;

(4) the Department of Energy, particularly the Federal Energy Management Program;

(5) the Department of Health and Human Services;

(6) the Department of Housing and Urban Development;

(7) the Department of Defense;

(8) the National Institute of Standards and Technology;

(9) the Department of Transportation;

(10) the Office of Science Technology and Policy; and

(11) such nonprofit high-performance green building rating and analysis entities as the Commercial Director determines can offer support, expertise, and review services.

(f) HIGH-PERFORMANCE GREEN BUILDING PARTNERSHIP CONSORTIUM.—

(1) RECOGNITION.—Not later than 90 days after the date of enactment of this Act, the Commercial Director shall formally recognize one or more groups that qualify as a high-performance green building partnership consortium.

(2) REPRESENTATION TO QUALIFY.—To qualify under this section, any consortium shall include representation from—

(A) the design professions, including national associations of architects and of professional engineers;

(B) the development, construction, financial, and real estate industries;

(C) building owners and operators from the public and private sectors;

(D) academic and research organizations, including at least one national laboratory with extensive commercial building energy expertise;

(E) building code agencies and organizations, including a model energy code-setting organization;

(F) independent high-performance green building associations or councils;

(G) experts in indoor air quality and environmental factors;

(H) experts in intelligent buildings and integrated building information systems;

(I) utility energy efficiency programs;

(J) manufacturers and providers of equipment and techniques used in high performance green buildings;

(K) public transportation industry experts; and

(L) nongovernmental energy efficiency organizations.

(3) FUNDING.—The Secretary may make payments to the Consortium pursuant to the terms of a public-private partnership for such activities of the Consortium undertaken under such a partnership as described in this subtitle directly to the Consortium or through one or more of its members.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Commercial Director, in consultation with the Consortium, shall submit to Congress a report that—

(1) describes the status of the high-performance green building initiatives under this subtitle and other Federal programs affecting commercial high-performance green buildings in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs; and

(2) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives).

SEC. 422. ZERO NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means a High-Performance Green Building Consortium selected by the Commercial Director.

(2) INITIATIVE.—The term ''initiative'' means the Zero-Net-Energy Commercial Buildings Initiative established under subsection (b)(1).

(3) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term ''zero-net-energy commercial building'' means a high-performance commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy to operate;

(B) to meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) in a manner that will result in no net emissions of greenhouse gases; and

(D) to be economically viable.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Commercial Director shall establish an initiative, to be known as the ''Zero-Net-Energy Commercial Buildings Initiative''—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of zero net energy commercial buildings in the United States.

(2) CONSORTIUM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commercial Director shall competitively select, and enter into an agreement with, a consortium to develop and carry out the initiative.

(B) AGREEMENTS.—In entering into an agreement with a consortium under subparagraph (A), the Commercial Director shall use the authority described in section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), to the maximum extent practicable.

(c) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop and disseminate technologies, practices, and policies for the development and establishment of zero net energy commercial buildings for—

(1) any commercial building newly constructed in the United States by 2030;

(2) 50 percent of the commercial building stock of the United States by 2040; and

(3) all commercial buildings in the United States by 2050.

(d) COMPONENTS.—In carrying out the initiative, the Commercial Director, in consultation with the consortium, may—

(1) conduct research and development on building science, design, materials, components, equipment and controls, operation and other practices, integration, energy use measurement, and benchmarking;

(2) conduct pilot programs and demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(3) conduct deployment, dissemination, and technical assistance activities to encourage widespread adoption of technologies, practices, and policies to achieve energy efficient commercial buildings;

(4) conduct other research, development, demonstration, and deployment activities necessary to achieve each goal of the initiative, as determined by the Commercial Director, in consultation with the consortium;

(5) develop training materials and courses for building professionals and trades on achieving cost-effective high-performance energy efficient buildings;

(6) develop and disseminate public education materials to share information on the benefits and cost-effectiveness of high-performance energy efficient buildings;

(7) support code-setting organizations and State and local governments in developing minimum performance standards in building codes that recognize the ready availability of many technologies utilized in high-performance energy efficient buildings;

(8) develop strategies for overcoming the split incentives between builders and purchasers, and landlords and tenants, to ensure that energy efficiency and high-performance investments are made that are cost-effective on a lifecycle basis; and

(9) develop improved means of measurement and verification of energy savings and performance for public dissemination.

(e) COST SHARING.—In carrying out this section, the Commercial Director shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 2008;

(2) $50,000,000 for each of fiscal years 2009 and 2010;

(3) $100,000,000 for each of fiscal years 2011 and 2012; and

(4) $200,000,000 for each of fiscal years 2013 through 2018.

SEC. 423. PUBLIC OUTREACH.

The Commercial Director and Federal Director, in coordination with the Consortium, shall carry out public outreach to inform individuals and entities of the information and services available Governmentwide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to internet sites that describe the activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) international organizations;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance, tools, and resources for constructing high-performance green buildings, particularly tools to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing to the public, through the Commercial Director, technical and research information or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings;

(6) using such additional methods as are determined by the Commercial Director to be appropriate to conduct public outreach;

(7) surveying existing research and studies relating to high-performance green buildings; and

(8) coordinating activities of common interest.

Subtitle C—High-Performance Federal Buildings

SEC. 431. ENERGY REDUCTION GOALS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

''Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.''

SEC. 432. MANAGEMENT OF ENERGY AND WATER EFFICIENCY IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COMMISSIONING.—The term 'commissioning', with respect to a facility, means a systematic process—

''(i) of ensuring, using appropriate verification and documentation, during the period beginning on the initial day of the design phase of the facility and ending not earlier than 1 year after the date of completion of construction of the facility, that all facility systems perform interactively in accordance with—

''(I) the design documentation and intent of the facility; and

''(II) the operational needs of the owner of the facility, including preparation of operation personnel; and

''(ii) the primary goal of which is to ensure fully functional systems that can be properly operated and maintained during the useful life of the facility.

''(B) ENERGY MANAGER.—

''(i) IN GENERAL.—The term 'energy manager', with respect to a facility, means the individual who is responsible for—

''(I) ensuring compliance with this subsection by the facility; and

''(II) reducing energy use at the facility.

''(ii) INCLUSIONS.—The term 'energy manager' may include—

''(I) a contractor of a facility;

''(II) a part-time employee of a facility; and

''(III) an individual who is responsible for multiple facilities.

''(C) FACILITY.—

''(i) IN GENERAL.—The term 'facility' means any building, installation, structure, or other property (including any applicable fixtures) owned or operated by, or constructed or manufactured and leased to, the Federal Government.

''(ii) INCLUSIONS.—The term 'facility' includes—

''(I) a group of facilities at a single location or multiple locations managed as an integrated operation; and

''(II) contractor-operated facilities owned by the Federal Government.

''(iii) EXCLUSIONS.—The term 'facility' does not include any land or site for which the cost of utilities is not paid by the Federal Government.

''(D) LIFE CYCLE COST-EFFECTIVE.—The term 'life cycle cost-effective', with respect to a measure, means a measure the estimated savings of which exceed the estimated costs over the lifespan of the measure, as determined in accordance with section 544.

''(E) PAYBACK PERIOD.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'payback period', with respect to a measure, means a value equal to the quotient obtained by dividing—

''(I) the estimated initial implementation cost of the measure (other than financing costs); by

''(II) the annual cost savings resulting from the measure, including—

''(aa) net savings in estimated energy and water costs; and

''(bb) operations, maintenance, repair, replacement, and other direct costs.

''(ii) MODIFICATIONS AND EXCEPTIONS.—The Secretary, in guidelines issued pursuant to paragraph (6), may make such modifications and provide such exceptions to the calculation of the payback period of a measure as the Secretary determines to be appropriate to achieve the purposes of this Act.

''(F) RECOMMISSIONING.—The term 'recommissioning' means a process—

''(i) of commissioning a facility or system beyond the project development and warranty phases of the facility or system; and

''(ii) the primary goal of which is to ensure optimum performance of a facility, in accordance with design or current operating needs, over the useful life of the facility, while meeting building occupancy requirements.

''(G) RETROCOMMISSIONING.—The term 'retrocommissioning' means a process of commissioning a facility or system that was not commissioned at time of construction of the facility or system.

''(2) FACILITY ENERGY MANAGERS.—

''(A) IN GENERAL.—Each Federal agency shall designate an energy manager responsible for implementing this subsection and reducing energy use at each facility that meets criteria under subparagraph (B).

''(B) COVERED FACILITIES.—The Secretary shall develop criteria, after consultation with affected agencies, energy efficiency advocates, and energy and utility service providers, that cover, at a minimum, Federal facilities, including central utility plants and distribution systems and other energy intensive operations, that constitute at least 75 percent of facility energy use at each agency.

''(3) ENERGY AND WATER EVALUATIONS.—

''(A) EVALUATIONS.—Effective beginning on the date that is 180 days after the date of enactment of this subsection and annually thereafter, energy managers shall complete, for each calendar year, a comprehensive energy and water evaluation for approximately 25 percent of the facilities of each agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each such facility is completed at least once every 4 years.

''(B) RECOMMISSIONING AND RETROCOMMISSIONING.—As part of the evaluation under subparagraph (A), the energy manager shall identify and assess recommissioning measures (or, if the facility has never been commissioned, retrocommissioning measures) for each such facility.

''(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—Not later than 2 years after the completion of each evaluation under paragraph (3), each energy manager may—

''(A) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life cycle cost-effective; and

''(B) bundle individual measures of varying paybacks together into combined projects.

''(5) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (4), each energy manager shall ensure that—

''(A) equipment, including building and equipment controls, is fully commissioned at acceptance to be operating at design specifications;

''(B) a plan for appropriate operations, maintenance, and repair of the equipment is in place at acceptance and is followed;

''(C) equipment and system performance is measured during its entire life to ensure proper operations, maintenance, and repair; and

''(D) energy and water savings are measured and verified.

''(6) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

''(i) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection; and

''(ii) paragraphs (4) and (5) not later than 1 year after the date of enactment of this subsection.

''(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (10), but may distinguish between different types of measures project size, and other criteria the Secretary determines are relevant.

''(7) WEB-BASED CERTIFICATION.—

''(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B) to certify compliance with the requirements for—

''(i) energy and water evaluations under paragraph (3);

''(ii) implementation of identified energy and water measures under paragraph (4); and

''(iii) follow-up on implemented measures under paragraph (5).

''(B) DEPLOYMENT.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and deploy a web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

''(I) the covered facilities;

''(II) the status of meeting the requirements specified in subparagraph (A);

''(III) the estimated cost and savings for measures required to be implemented in a facility;

''(IV) the measured savings and persistence of savings for implemented measures; and

''(V) the benchmarking information disclosed under paragraph (8)(C).

''(ii) EASE OF COMPLIANCE.—The Secretary shall ensure that energy manager compliance with the requirements in this paragraph, to the maximum extent practicable—

''(I) can be accomplished with the use of streamlined procedures and templates that minimize the time demands on Federal employees; and

''(II) is coordinated with other applicable energy reporting requirements.

''(C) AVAILABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific facilities from disclosure under clause (i) for national security purposes.

''(8) BENCHMARKING OF FEDERAL FACILITIES.—

''(A) IN GENERAL.—The energy manager shall enter energy use data for each metered building that is (or is a part of) a facility that meets the criteria established by the Secretary under paragraph (2)(B) into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

''(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

''(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

''(ii) issue guidance for use of the system.

''(C) PUBLIC DISCLOSURE.—Each energy manager shall post the information entered into, or generated by, a benchmarking system under this subsections, on the web-based tracking system under paragraph (7)(B). The energy manager shall update such information each year, and shall include in such reporting previous years' information to allow changes in building performance to be tracked over time.

''(9) FEDERAL AGENCY SCORECARDS.—

''(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue semiannual scorecards for energy management activities carried out by each Federal agency that includes—

''(i) summaries of the status of implementing the various requirements of the agency and its energy managers under this subsection; and

''(ii) any other means of measuring performance that the Director considers appropriate.

''(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(10) FUNDING AND IMPLEMENTATION.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(B) FUNDING OPTIONS.—

''(i) IN GENERAL.—To carry out this subsection, a Federal agency may use any combination of—

''(I) appropriated funds made available under subparagraph (A); and

''(II) private financing otherwise authorized under Federal law, including financing available through energy savings performance contracts or utility energy service contracts.

''(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection.

''(C) IMPLEMENTATION.—Each Federal agency may implement the requirements under this subsection itself or may contract out performance of some or all of the requirements.

''(11) RULE OF CONSTRUCTION.—This subsection shall not be construed to require or to obviate any contractor savings guarantees.''.

SEC. 433. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

(a) STANDARDS.—Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) is amended by adding at the end the following new subparagraph:

''(D) Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that:

''(i) For new Federal buildings and Federal buildings undergoing major renovations, with respect to which the Administrator of General Services is required to transmit a prospectus to Congress under section 3307 of title 40, United States Code, in the case of public buildings (as defined in section 3301 of title 40, United States Code), or of at least $2,500,000 in costs adjusted annually for inflation for other buildings:

''(I) The buildings shall be designed so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with such energy consumption by a similar building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

''Fiscal Year	*Percentage Reduction*
2010	*55*
2015	*65*
2020	*80*
2025	*90*
2030	*100.*

''(II) Upon petition by an agency subject to this subparagraph, the Secretary may adjust the applicable numeric requirement under subclause (I) downward with respect to a specific building, if the head of the agency designing the building certifies in writing that meeting such requirement would be technically impracticable in light of the agency's specified functional needs for that building and the Secretary concurs with the agency's conclusion. This subclause shall not apply to the General Services Administration.

''(III) Sustainable design principles shall be applied to the siting, design, and construction of

such buildings. Not later than 90 days after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary, after reviewing the findings of the Federal Director under section 436(h) of that Act, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall identify a certification system and level for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings. The identification of the certification system and level shall be based on a review of the Federal Director's findings under section 436(h) of the Energy Independence and Security Act of 2007 and the criteria specified in clause (iii), shall identify the highest level the Secretary determines is appropriate above the minimum level required for certification under the system selected, and shall achieve results at least comparable to the system used by and highest level referenced by the General Services Administration as of the date of enactment of the Energy Independence and Security Act of 2007. Within 90 days of the completion of each study required by clause (iv), the Secretary, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall review and update the certification system and level, taking into account the conclusions of such study.

''(ii) In establishing criteria for identifying major renovations that are subject to the requirements of this subparagraph, the Secretary shall take into account the scope, degree, and types of renovations that are likely to provide significant opportunities for substantial improvements in energy efficiency.

''(iii) In identifying the green building certification system and level, the Secretary shall take into consideration—

''(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subparagraph;

''(II) the ability of the applicable certification organization to collect and reflect public comment;

''(III) the ability of the standard to be developed and revised through a consensus-based process;

''(IV) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(aa) efficient and sustainable use of water, energy, and other natural resources;

''(bb) use of renewable energy sources;

''(cc) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

''(dd) such other criteria as the Secretary determines to be appropriate; and

''(V) national recognition within the building industry.

''(iv) At least once every five years, and in accordance with section 436 of the Energy Independence and Security Act of 2007, the Administrator of General Services shall conduct a study to evaluate and compare available third-party green building certification systems and levels, taking into account the criteria listed in clause (iii).

''(v) The Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in lieu of certification by the certification entity identified under clause (i)(III). The Secretary shall include in any such rule guidelines to ensure that the certification process results in buildings meeting the applicable certification system and level identified under clause (i)(III). An agency employing an internal certification process must continue to obtain external certification by the certification entity identified under clause (i)(III) for at least 5 percent of the total number of buildings certified annually by the agency.

''(vi) With respect to privatized military housing, the Secretary of Defense, after consultation with the Secretary may, through rulemaking, develop alternative criteria to those established by subclauses (I) and (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and green building performance.

''(vii) In addition to any use of water conservation technologies otherwise required by this section, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.''.

(b) DEFINITIONS.—Section 303(6) of the Energy Conservation and Production Act (42 U.S.C. 6832(6)) is amended by striking ''which is not legally subject to State or local building codes or similar requirements.'' and inserting ''. Such term shall include buildings built for the purpose of being leased by a Federal agency, and privatized military housing.''.

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 2 years after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require Federal officers and employees to comply with this section and the amendments made by this section in the acquisition, construction, or major renovation of any facility. The members of the Federal Acquisition Regulatory Council (established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

(d) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (c), the Administrator for Federal Procurement Policy shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities and major renovations for existing facilities to incorporate improvements that are consistent with this section.

SEC. 434. MANAGEMENT OF FEDERAL BUILDING EFFICIENCY.

(a) LARGE CAPITAL ENERGY INVESTMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) LARGE CAPITAL ENERGY INVESTMENTS.—

''(1) IN GENERAL.—Each Federal agency shall ensure that any large capital energy investment in an existing building that is not a major renovation but involves replacement of installed equipment (such as heating and cooling systems), or involves renovation, rehabilitation, expansion, or remodeling of existing space, employs the most energy efficient designs, systems, equipment, and controls that are life-cycle cost effective.

''(2) PROCESS FOR REVIEW OF INVESTMENT DECISIONS.—Not later than 180 days after the date of enactment of this subsection, each Federal agency shall—

''(A) develop a process for reviewing each decision made on a large capital energy investment described in paragraph (1) to ensure that the requirements of this subsection are met; and

''(B) report to the Director of the Office of Management and Budget on the process established.

''(3) COMPLIANCE REPORT.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget shall evaluate and report to Congress on the compliance of each agency with this subsection.''.

(b) METERING.—Section 543(e)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)(1)) is amended by inserting after the second sentence the following: ''Not later than October 1, 2016, each agency shall provide for equivalent metering of natural gas and steam, in accordance with guidelines established by the Secretary under paragraph (2).''.

SEC. 435. LEASING.

(a) IN GENERAL.—Except as provided in subsection (b), effective beginning on the date that is 3 years after the date of enactment of this Act, no Federal agency shall enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year.

(b) EXCEPTION.—

(1) APPLICATION.—This subsection applies if—

(A) no space is available in a building described in subsection (a) that meets the functional requirements of an agency, including locational needs;

(B) the agency proposes to remain in a building that the agency has occupied previously;

(C) the agency proposes to lease a building of historical, architectural, or cultural significance (as defined in section 3306(a)(4) of title 40, United States Code) or space in such a building; or

(D) the lease is for not more than 10,000 gross square feet of space.

(2) BUILDINGS WITHOUT ENERGY STAR LABEL.—If 1 of the conditions described in paragraph (2) is met, the agency may enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year if the lease contract includes provisions requiring that, prior to occupancy or, in the case of a contract described in paragraph (1)(B), not later than 1 year after signing the contract, the space will be renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) shall be revised to require Federal officers and employees to comply with this section in leasing buildings.

(2) CONSULTATION.—The members of the Federal Acquisition Regulatory Council established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

SEC. 436. HIGH-PERFORMANCE GREEN FEDERAL BUILDINGS.

(a) ESTABLISHMENT OF OFFICE.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish within the General Services Administration an Office of Federal High-Performance Green Buildings, and appoint an individual to serve as Federal Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office of Federal High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) COMPENSATION.—The compensation of the Federal Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(c) DUTIES.—The Federal Director shall—

(1) coordinate the activities of the Office of Federal High-Performance Green Buildings with the activities of the Office of Commercial High-Performance Green Buildings, and the Secretary, in accordance with section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(2) ensure full coordination of high-performance green building information and activities

within the General Services Administration and all relevant agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense;

(G) the Department of Transportation;

(H) the National Institute of Standards and Technology; and

(I) the Office of Science and Technology Policy;

(3) establish a senior-level Federal Green Building Advisory Committee under section 474, which shall provide advice and recommendations in accordance with that section and subsection (d);

(4) identify and every 5 years reassess improved or higher rating standards recommended by the Advisory Committee;

(5) ensure full coordination, dissemination of information regarding, and promotion of the results of research and development information relating to Federal high-performance green building initiatives;

(6) identify and develop Federal high-performance green building standards for all types of Federal facilities, consistent with the requirements of this subtitle and section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with subsection (d); and

(9) identify opportunities to demonstrate innovative and emerging green building technologies and concepts.

(d) ADDITIONAL DUTIES.—The Federal Director, in consultation with the Commercial Director and the Advisory Committee, and consistent with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)) shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to high-performance green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of high-performance green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decisionmaking processes.

(e) INCENTIVES.—Within 90 days after the date of enactment of this Act, the Federal Director shall identify incentives to encourage the expedited use of high-performance green buildings and related technology in the operations of the Federal Government, in accordance with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies for use in reinvesting in future high-performance green building initiatives.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Federal Director, in consultation with the Secretary, shall submit to Congress a report that—

(1) describes the status of compliance with this subtitle, the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and other Federal high-performance green building initiatives in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle and the requirements of section 305(a)(3)(D) of that Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that may affect the certification of new and existing Federal facilities as high-performance green buildings under the provisions of section 305(a)(3)(D) of that Act and the criteria established in subsection (h);

(3) identifies inconsistencies, as reported to the Advisory Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy and environmental cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office of Federal High-Performance Green Buildings, with the assistance of universities and national laboratories);

(C) streamlining measures for permitting Federal agencies to retain all identified savings accrued as a result of the use of life-cycle costing for future high-performance green building initiatives; and

(D) identifying short-term and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (7).

(g) IMPLEMENTATION.—The Office of Federal High-Performance Green Buildings shall carry out each plan for implementation of recommendations under subsection (f)(8).

(h) IDENTIFICATION OF CERTIFICATION SYSTEM.—

(1) IN GENERAL.—For the purpose of this section, not later than 60 days after the date of enactment of this Act, the Federal Director shall identify and shall provide to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), a certification system that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The system identified under paragraph (1) shall be based on—

(A) a study completed every 5 years and provided to the Secretary pursuant to section 305(a)(3)(D) of that Act, which shall be carried out by the Federal Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standard to be developed and revised through a consensus-based process;

(E) an evaluation of the robustness of the criteria for a high performance green building, which shall give credit for promoting—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls;

(iv) reduced impacts from transportation through building location and site design that promote access by public transportation; and

(v) such other criteria as the Federal Director determines to be appropriate; and

(F) national recognition within the building industry.

SEC. 437. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle, section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and section 435; and

(2) submit to the Federal Director, the Advisory Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436(d);

(2) the level of coordination among the Federal Director, the Office of Management and Budget, the Department of Energy, and relevant agencies;

(3) the performance of the Federal Director and other agencies in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Federal Director shall consult with the Advisory Committee to enhance, and assist in the implementation of, the Office of Management and Budget government efficiency reports and scorecards under section 528 and the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 438. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

SEC. 439. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii);

(C) establish methods to track the success of Federal departments and agencies with respect to that goal; and

(D) be fully coordinated with and no less stringent nor less energy-conserving or water-conserving than required by other provisions of this Act and other applicable law, including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations and programs implementing sections 432 and 525 (and amendments made by those sections), a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility. Such program shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and any other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy savings than required by this section.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable of actions to comply with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations and programs implementing sections 431 through 435 (and amendments made by those sections), maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies consistent with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously. Notwithstanding any provision of this section, such program shall fully comply with the requirements of the Act including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(A) ensure that a manager responsible for implementing section 432 and for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(B) submit to Congress a plan to comply with section 432, this section, and other applicable provisions of this Act and applicable law with respect to energy and water conservation at GSA facilities.

(2) MEASURES.—The plan shall implement measures required by such other provisions of law in accordance with those provisions, and shall implement the measures required by this section to the maximum extent feasible (including at the maximum rate feasible) using available appropriations and programs implementing sections 431 through 435 and 525 (and amendments made by those sections), by not later than the date that is 5 years after the date of enactment of this Act.

(3) CONTENTS OF PLAN.—The plan shall—

(A) with respect to cost-effective technologies and practices—

(i) identify the specific activities needed to comply with sections 431 through 435;

(ii) identify the specific activities needed to achieve at least a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(iii) describe activities required and carried out to estimate the funds necessary to achieve the reduction described in clauses (i) and (ii);

(B) include an estimate of the funds necessary to carry out this section;

(C) describe the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identify within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies;

(E) recommend language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, review the budget process for capital programs with respect to alternatives for—

(i) implementing measures that will assure that Federal agencies retain all identified savings accrued as a result of the use of cost-effective technologies, consistent with section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1), and other applicable law; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices;

(G) with respect to cost-effective technologies and practices, achieve substantial operational cost savings through the application of the technologies; and

(H) include recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(4) ADMINISTRATION.—Notwithstanding any provision of this section, the program required under this section shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 440. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 434 through 439 and 482 $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 441. PUBLIC BUILDING LIFE-CYCLE COSTS.

Section 544(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)(1)) is amended by striking ''25'' and inserting ''40''.

Subtitle D—Industrial Energy Efficiency

SEC. 451. INDUSTRIAL ENERGY EFFICIENCY.

(a) IN GENERAL.—Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by inserting after part D the following:

''PART E—INDUSTRIAL ENERGY EFFICIENCY

''SEC. 371. DEFINITIONS.

''In this part:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) COMBINED HEAT AND POWER.—The term 'combined heat and power system' means a facility that—

''(A) simultaneously and efficiently produces useful thermal energy and electricity; and

''(B) recovers not less than 60 percent of the energy value in the fuel (on a higher-heating-value basis) in the form of useful thermal energy and electricity.

''(3) NET EXCESS POWER.—The term 'net excess power' means, for any facility, recoverable waste energy recovered in the form of electricity in quantities exceeding the total consumption of electricity at the specific time of generation on the site at which the facility is located.

''(4) PROJECT.—The term 'project' means a recoverable waste energy project or a combined heat and power system project.

''(5) RECOVERABLE WASTE ENERGY.—The term 'recoverable waste energy' means waste energy from which electricity or useful thermal energy may be recovered through modification of an existing facility or addition of a new facility.

''(6) REGISTRY.—The term 'Registry' means the Registry of Recoverable Waste Energy Sources established under section 372(d).

''(7) USEFUL THERMAL ENERGY.—The term 'useful thermal energy' means energy—

''(A) in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end-use energy requirements; and

''(B) for which fuel or electricity would otherwise be consumed.

''(8) WASTE ENERGY.—The term 'waste energy' means—

''(A) exhaust heat or flared gas from any industrial process;

''(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

''(C) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat; and

''(D) such other forms of waste energy as the Administrator may determine.

''(9) OTHER TERMS.—The terms 'electric utility', 'nonregulated electric utility', 'State regulated electric utility', and other terms have the meanings given those terms in title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2611 et seq.).

''SEC. 372. SURVEY AND REGISTRY.

''(a) RECOVERABLE WASTE ENERGY INVENTORY PROGRAM.—

''(1) IN GENERAL.—The Administrator, in cooperation with the Secretary and State energy offices, shall establish a recoverable waste energy inventory program.

''(2) SURVEY.—The program shall include—

''(A) an ongoing survey of all major industrial and large commercial combustion sources in the United States (as defined by the Administrator) and the sites at which the sources are located; and

''(B) a review of each source for the quantity and quality of waste energy produced at the source.

''(b) CRITERIA.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall publish a rule for establishing criteria for including sites in the Registry.

''(2) INCLUSIONS.—The criteria shall include—

''(A) a requirement that, to be included in the Registry, a project at the site shall be determined to be economically feasible by virtue of offering a payback of invested costs not later than 5 years after the date of first full project operation (including incentives offered under this part);

''(B) standards to ensure that projects proposed for inclusion in the Registry are not developed or used for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; and

''(C) procedures for contesting the listing of any source or site on the Registry by any State, utility, or other interested person.

''(c) TECHNICAL SUPPORT.—On the request of the owner or operator of a source or site included in the Registry, the Secretary shall—

''(1) provide to owners or operators of combustion sources technical support; and

''(2) offer partial funding (in an amount equal to not more than ½ of total costs) for feasibility studies to confirm whether or not investment in recovery of waste energy or combined heat and power at a source would offer a payback period of 5 years or less.

''(d) REGISTRY.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall establish a Registry of Recoverable Waste Energy Sources, and sites on which the sources are located, that meet the criteria established under subsection (b).

''(B) UPDATES; AVAILABILITY.—The Administrator shall—

''(i) update the Registry on a regular basis; and

''(ii) make the Registry available to the public on the website of the Environmental Protection Agency.

''(C) CONTESTING LISTING.—Any State, electric utility, or other interested person may contest the listing of any source or site by submitting a petition to the Administrator.

''(2) CONTENTS.—

''(A) IN GENERAL.—The Administrator shall register and include on the Registry all sites meeting the criteria established under subsection (b).

''(B) QUANTITY OF RECOVERABLE WASTE ENERGY.—The Administrator shall—

''(i) calculate the total quantities of potentially recoverable waste energy from sources at the sites, nationally and by State; and

''(ii) make public—

''(I) the total quantities described in clause (i); and

''(II) information on the criteria pollutant and greenhouse gas emissions savings that might be achieved with recovery of the waste energy from all sources and sites listed on the Registry.

''(3) AVAILABILITY OF INFORMATION.—

''(A) IN GENERAL.—The Administrator shall notify owners or operators of recoverable waste energy sources and sites listed on the Registry prior to publishing the listing.

''(B) DETAILED QUANTITATIVE INFORMATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the owner or operator of a source at a site may elect to have detailed quantitative information concerning the site not made public by notifying the Administrator of the election.

''(ii) LIMITED AVAILABILITY.—The information shall be made available to—

''(I) the applicable State energy office; and

''(II) any utility requested to support recovery of waste energy from the source pursuant to the incentives provided under section 374.

''(iii) STATE TOTALS.—Information concerning the site shall be included in the total quantity of recoverable waste energy for a State unless there are fewer than 3 sites in the State.

''(4) REMOVAL OF PROJECTS FROM REGISTRY.—

''(A) IN GENERAL.—Subject to subparagraph (B), as a project achieves successful recovery of waste energy, the Administrator shall—

''(i) remove the related sites or sources from the Registry; and

''(ii) designate the removed projects as eligible for incentives under section 374.

''(B) LIMITATION.—No project shall be removed from the Registry without the consent of the owner or operator of the project if—

''(i) the owner or operator has submitted a petition under section 374; and

''(ii) the petition has not been acted on or denied.

''(5) INELIGIBILITY OF CERTAIN SOURCES.—The Administrator shall not list any source constructed after the date of the enactment of the Energy Independence and Security Act of 2007 on the Registry if the Administrator determines that the source—

''(A) was developed for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; or

''(B) does not capture at least 60 percent of the total energy value of the fuels used (on a higher-heating-value basis) in the form of useful thermal energy, electricity, mechanical energy, chemical output, or any combination thereof.

''(e) SELF-CERTIFICATION.—

''(1) IN GENERAL.—Subject to any procedures that are established by the Administrator, an owner, operator, or third-party developer of a recoverable waste energy project that qualifies under standards established by the Administrator may self-certify the sites or sources of the owner, operator, or developer to the Administrator for inclusion in the Registry.

''(2) REVIEW AND APPROVAL.—To prevent a fraudulent listing, a site or source shall be included on the Registry only if the Administrator reviews and approves the self-certification.

''(f) NEW FACILITIES.—As a new energy-consuming industrial facility is developed after the date of enactment of the Energy Independence and Security Act of 2007, to the extent the facility may constitute a site with recoverable waste energy that may qualify for inclusion on the Registry, the Administrator may elect to include the facility on the Registry, at the request of the owner, operator, or developer of the facility, on a conditional basis with the site to be removed from the Registry if the development ceases or the site fails to qualify for listing under this part.

''(g) OPTIMUM MEANS OF RECOVERY.—For each site listed in the Registry, at the request of the owner or operator of the site, the Administrator shall offer, in cooperation with Clean Energy Application Centers operated by the Secretary of Energy, suggestions for optimum means of recovery of value from waste energy stream in the form of electricity, useful thermal energy, or other energy-related products.

''(h) REVISION.—Each annual report of a State under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) shall include the results of the survey for the State under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to—

''(1) the Administrator to create and maintain the Registry and services authorized by this section, $1,000,000 for each of fiscal years 2008 through 2012; and

''(2) the Secretary—

''(A) to assist site or source owners and operators in determining the feasibility of projects authorized by this section, $2,000,000 for each of fiscal years 2008 through 2012; and

''(B) to provide funding for State energy office functions under this section, $5,000,000.

''SEC. 373. WASTE ENERGY RECOVERY INCENTIVE GRANT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish in the Department of Energy a waste energy recovery incentive grant program to provide incentive grants to—

''(1) owners and operators of projects that successfully produce electricity or incremental useful thermal energy from waste energy recovery;

''(2) utilities purchasing or distributing the electricity; and

''(3) States that have achieved 80 percent or more of recoverable waste heat recovery opportunities.

''(b) GRANTS TO PROJECTS AND UTILITIES.—

''(1) IN GENERAL.—The Secretary shall make grants under this section—

''(A) to the owners or operators of waste energy recovery projects; and

''(B) in the case of excess power purchased or transmitted by a electric utility, to the utility.

''(2) PROOF.—Grants may only be made under this section on receipt of proof of waste energy recovery or excess electricity generation, or both, from the project in a form prescribed by the Secretary.

''(3) EXCESS ELECTRIC ENERGY.—

''(A) IN GENERAL.—In the case of waste energy recovery, a grant under this section shall be made at the rate of $10 per megawatt hour of documented electricity produced from recoverable waste energy (or by prevention of waste energy in the case of a new facility) by the project during the first 3 calendar years of production, beginning on or after the date of enactment of the Energy Independence and Security Act of 2007.

''(B) UTILITIES.—If the project produces net excess power and an electric utility purchases or transmits the excess power, 50 percent of so much of the grant as is attributable to the net excess power shall be paid to the electric utility purchasing or transporting the net excess power.

''(4) USEFUL THERMAL ENERGY.—In the case of waste energy recovery that produces useful thermal energy that is used for a purpose different from that for which the project is principally designed, a grant under this section shall be made to the owner or operator of the waste energy recovery project at the rate of $10 for each 3,412,000 Btus of the excess thermal energy used for the different purpose.

''(c) GRANTS TO STATES.—In the case of any State that has achieved 80 percent or more of

waste heat recovery opportunities identified by the Secretary under this part, the Administrator shall make a 1-time grant to the State in an amount of not more than $1,000 per megawatt of waste-heat capacity recovered (or a thermal equivalent) to support State-level programs to identify and achieve additional energy efficiency.

''(d) ELIGIBILITY.—The Secretary shall—

''(1) establish rules and guidelines to establish eligibility for grants under subsection (b);

''(2) publicize the availability of the grant program known to owners or operators of recoverable waste energy sources and sites listed on the Registry; and

''(3) award grants under the program on the basis of the merits of each project in recovering or preventing waste energy throughout the United States on an impartial, objective, and not unduly discriminatory basis.

''(e) LIMITATION.—The Secretary shall not award grants to any person for a combined heat and power project or a waste heat recovery project that qualifies for specific Federal tax incentives for combined heat and power or for waste heat recovery.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

''(1) to make grants to projects and utilities under subsection (b)—

''(A) $100,000,000 for fiscal year 2008 and $200,000,000 for each of fiscal years 2009 through 2012; and

''(B) such additional amounts for fiscal year 2008 and each fiscal year thereafter as may be necessary for administration of the waste energy recovery incentive grant program; and

''(2) to make grants to States under subsection (b), $10,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

''SEC. 374. ADDITIONAL INCENTIVES FOR RECOVERY, USE, AND PREVENTION OF INDUSTRIAL WASTE ENERGY.

''(a) CONSIDERATION OF STANDARD.—

''(1) IN GENERAL.—Not later than 180 days after the receipt by a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), or nonregulated electric utility, of a request from a project sponsor or owner or operator, the State regulatory authority or nonregulated electric utility shall—

''(A) provide public notice and conduct a hearing respecting the standard established by subsection (b); and

''(B) on the basis of the hearing, consider and make a determination whether or not it is appropriate to implement the standard to carry out the purposes of this part.

''(2) RELATIONSHIP TO STATE LAW.—For purposes of any determination under paragraph (1) and any review of the determination in any court, the purposes of this section supplement otherwise applicable State law.

''(3) NONADOPTION OF STANDARD.—Nothing in this part prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to adopt any standard described in paragraph (1), pursuant to authority under otherwise applicable State law.

''(b) STANDARD FOR SALES OF EXCESS POWER.—For purposes of this section, the standard referred to in subsection (a) shall provide that an owner or operator of a waste energy recovery project identified on the Registry that generates net excess power shall be eligible to benefit from at least 1 of the options described in subsection (c) for disposal of the net excess power in accordance with the rate conditions and limitations described in subsection (d).

''(c) OPTIONS.—The options referred to in subsection (b) are as follows:

''(1) SALE OF NET EXCESS POWER TO UTILITY.—The electric utility shall purchase the net excess power from the owner or operator of the eligible waste energy recovery project during the operation of the project under a contract entered into for that purpose.

''(2) TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTY.—The electric utility shall transmit the net excess power on behalf of the project owner or operator to up to 3 separate locations on the system of the utility for direct sale by the owner or operator to third parties at those locations.

''(3) TRANSPORT OVER PRIVATE TRANSMISSION LINES.—The State and the electric utility shall permit, and shall waive or modify such laws as would otherwise prohibit, the construction and operation of private electric wires constructed, owned, and operated by the project owner or operator, to transport the power to up to 3 purchasers within a 3-mile radius of the project, allowing the wires to use or cross public rights-of-way, without subjecting the project to regulation as a public utility, and according the wires the same treatment for safety, zoning, land use, and other legal privileges as apply or would apply to the wires of the utility, except that—

''(A) there shall be no grant of any power of eminent domain to take or cross private property for the wires; and

''(B) the wires shall be physically segregated and not interconnected with any portion of the system of the utility, except on the customer side of the revenue meter of the utility and in a manner that precludes any possible export of the electricity onto the utility system, or disruption of the system.

''(4) AGREED ON ALTERNATIVES.—The utility and the owner or operator of the project may reach agreement on any alternate arrangement and payments or rates associated with the arrangement that is mutually satisfactory and in accord with State law.

''(d) RATE CONDITIONS AND CRITERIA.—

''(1) DEFINITIONS.—In this subsection:

''(A) PER UNIT DISTRIBUTION COSTS.—The term 'per unit distribution costs' means (in kilowatt hours) the quotient obtained by dividing—

''(i) the depreciated book-value distribution system costs of a utility; by

''(ii) the volume of utility electricity sales or transmission during the previous year at the distribution level.

''(B) PER UNIT DISTRIBUTION MARGIN.—The term 'per unit distribution margin' means—

''(i) in the case of a State-regulated electric utility, a per-unit gross pretax profit equal to the product obtained by multiplying—

''(I) the State-approved percentage rate of return for the utility for distribution system assets; by

''(II) the per unit distribution costs; and

''(ii) in the case of a nonregulated utility, a per unit contribution to net revenues determined multiplying—

''(I) the percentage (but not less than 10 percent) obtained by dividing—

''(aa) the amount of any net revenue payment or contribution to the owners or subscribers of the nonregulated utility during the prior year; by

''(bb) the gross revenues of the utility during the prior year to obtain a percentage; by

''(II) the per unit distribution costs.

''(C) PER UNIT TRANSMISSION COSTS.—The term 'per unit transmission costs' means the total cost of those transmission services purchased or provided by a utility on a per-kilowatt-hour basis as included in the retail rate of the utility.

''(2) OPTIONS.—The options described in paragraphs (1) and (2) in subsection (c) shall be offered under purchase and transport rate conditions that reflect the rate components defined under paragraph (1) as applicable under the circumstances described in paragraph (3).

''(3) APPLICABLE RATES.—

''(A) RATES APPLICABLE TO SALE OF NET EXCESS POWER.—

''(i) IN GENERAL.—Sales made by a project owner or operator of a facility under the option described in subsection (c)(1) shall be paid for on a per kilowatt hour basis that shall equal the full undiscounted retail rate paid to the utility for power purchased by the facility minus per unit distribution costs, that applies to the type of utility purchasing the power.

''(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—If the net excess power is made available for purchase at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be available for resale by the utility, the purchase price shall further be reduced by per unit transmission costs.

''(B) RATES APPLICABLE TO TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTIES.—

''(i) IN GENERAL.—Transportation by utilities of power on behalf of the owner or operator of a project under the option described in subsection (c)(2) shall incur a transportation rate that shall equal the per unit distribution costs and per unit distribution margin, that applies to the type of utility transporting the power.

''(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—If the net excess power is made available for transportation at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be transported to the designated third-party purchasers, the transport rate shall further be increased by per unit transmission costs.

''(iii) STATES WITH COMPETITIVE RETAIL MARKETS FOR ELECTRICITY.—In a State with a competitive retail market for electricity, the applicable transportation rate for similar transportation shall be applied in lieu of any rate calculated under this paragraph.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—Any rate established for sale or transportation under this section shall—

''(i) be modified over time with changes in the underlying costs or rates of the electric utility; and

''(ii) reflect the same time-sensitivity and billing periods as are established in the retail sales or transportation rates offered by the utility.

''(B) LIMITATION.—No utility shall be required to purchase or transport a quantity of net excess power under this section that exceeds the available capacity of the wires, meter, or other equipment of the electric utility serving the site unless the owner or operator of the project agrees to pay necessary and reasonable upgrade costs.

''(e) PROCEDURAL REQUIREMENTS FOR CONSIDERATION AND DETERMINATION.—

''(1) PUBLIC NOTICE AND HEARING.—

''(A) IN GENERAL.—The consideration referred to in subsection (a) shall be made after public notice and hearing.

''(B) ADMINISTRATION.—The determination referred to in subsection (a) shall be—

''(i) in writing;

''(ii) based on findings included in the determination and on the evidence presented at the hearing; and

''(iii) available to the public.

''(2) INTERVENTION BY ADMINISTRATOR.—The Administrator may intervene as a matter of right in a proceeding conducted under this section—

''(A) to calculate—

''(i) the energy and emissions likely to be saved by electing to adopt 1 or more of the options; and

''(ii) the costs and benefits to ratepayers and the utility; and

''(B) to advocate for the waste-energy recovery opportunity.

''(3) PROCEDURES.—

''(A) IN GENERAL.—Except as otherwise provided in paragraphs (1) and (2), the procedures for the consideration and determination referred to in subsection (a) shall be the procedures established by the State regulatory authority or the nonregulated electric utility.

''(B) MULTIPLE PROJECTS.—If there is more than 1 project seeking consideration simultaneously in connection with the same utility, the proceeding may encompass all such projects, if full attention is paid to individual circumstances and merits and an individual judgment is reached with respect to each project.

''(f) IMPLEMENTATION.—

''(1) IN GENERAL.—The State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility may, to the extent consistent with otherwise applicable State law—

''(A) implement the standard determined under this section; or

''(B) decline to implement any such standard.

''(2) NONIMPLEMENTATION OF STANDARD.—

''(A) IN GENERAL.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement any standard established by this section, the authority or nonregulated electric utility shall state in writing the reasons for declining to implement the standard.

''(B) AVAILABILITY TO PUBLIC.—The statement of reasons shall be available to the public.

''(C) ANNUAL REPORT.—The Administrator shall include in an annual report submitted to Congress a description of the lost opportunities for waste-heat recovery from the project described in subparagraph (A), specifically identifying the utility and stating the quantity of lost energy and emissions savings calculated.

''(D) NEW PETITION.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement the standard established by this section, the project sponsor may submit a new petition under this section with respect to the project at any time after the date that is 2 years after the date on which the State regulatory authority or nonregulated utility declined to implement the standard.

''SEC. 375. CLEAN ENERGY APPLICATION CENTERS.

''(a) RENAMING.—

''(1) IN GENERAL.—The Combined Heat and Power Application Centers of the Department of Energy are redesignated as Clean Energy Application Centers.

''(2) REFERENCES.—Any reference in any law, rule, regulation, or publication to a Combined Heat and Power Application Center shall be treated as a reference to a Clean Energy Application Center.

''(b) RELOCATION.—

''(1) IN GENERAL.—In order to better coordinate efforts with the separate Industrial Assessment Centers and to ensure that the energy efficiency and, when applicable, the renewable nature of deploying mature clean energy technology is fully accounted for, the Secretary shall relocate the administration of the Clean Energy Application Centers to the Office of Energy Efficiency and Renewable Energy within the Department of Energy.

''(2) OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY.—The Office of Electricity Delivery and Energy Reliability shall—

''(A) continue to perform work on the role of technology described in paragraph (1) in support of the grid and the reliability and security of the technology; and

''(B) shall assist the Clean Energy Application Centers in the work of the Centers with regard to the grid and with electric utilities.

''(c) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants to universities, research centers, and other appropriate institutions to ensure the continued operations and effectiveness of 8 Regional Clean Energy Application Centers in each of the following regions (as designated for such purposes as of the date of the enactment of the Energy Independence and Security Act of 2007):

''(A) Gulf Coast.

''(B) Intermountain.

''(C) Mid-Atlantic.

''(D) Midwest.

''(E) Northeast.

''(F) Northwest.

''(G) Pacific.

''(H) Southeast.

''(2) ESTABLISHMENT OF GOALS AND COMPLIANCE.—In making grants under this subsection, the Secretary shall ensure that sufficient goals are established and met by each Center throughout the program duration concerning outreach and technology deployment.

''(d) ACTIVITIES.—

''(1) IN GENERAL.—Each Clean Energy Application Center shall—

''(A) operate a program to encourage deployment of clean energy technologies through education and outreach to building and industrial professionals; and other individuals and organizations with an interest in efficient energy use; and

''(B) provide project specific support to building and industrial professionals through assessments and advisory activities.

''(2) TYPES OF ACTIVITIES.—Funds made available under this section may be used—

''(A) to develop and distribute informational materials on clean energy technologies, including continuation of the 8 websites in existence on the date of enactment of the Energy Independence and Security Act of 2007;

''(B) to develop and conduct target market workshops, seminars, internet programs, and other activities to educate end users, regulators, and stakeholders in a manner that leads to the deployment of clean energy technologies;

''(C) to provide or coordinate onsite assessments for sites and enterprises that may consider deployment of clean energy technology;

''(D) to perform market research to identify high profile candidates for clean energy deployment;

''(E) to provide consulting support to sites considering deployment of clean energy technologies;

''(F) to assist organizations developing clean energy technologies to overcome barriers to deployment; and

''(G) to assist companies and organizations with performance evaluations of any clean energy technology implemented.

''(e) DURATION.—

''(1) IN GENERAL.—A grant awarded under this section shall be for a period of 5 years

''(2) ANNUAL EVALUATIONS.—Each grant shall be evaluated annually for the continuation of the grant based on the activities and results of the grant.

''(f) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the items relating to part D of title III the following:

''PART E—INDUSTRIAL ENERGY EFFICIENCY

''Sec. 371. Definitions.
''Sec. 372. Survey and Registry.
''Sec. 373. Waste energy recovery incentive grant program.
''Sec. 374. Additional incentives for recovery, utilization and prevention of industrial waste energy.
''Sec. 375. Clean Energy Application Centers.''.

SEC. 452. ENERGY-INTENSIVE INDUSTRIES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an energy-intensive industry;

(B) a national trade association representing an energy-intensive industry; or

(C) a person acting on behalf of 1 or more energy-intensive industries or sectors, as determined by the Secretary.

(2) ENERGY-INTENSIVE INDUSTRY.—The term ''energy-intensive industry'' means an industry that uses significant quantities of energy as part of its primary economic activities, including—

(A) information technology, including data centers containing electrical equipment used in processing, storing, and transmitting digital information;

(B) consumer product manufacturing;

(C) food processing;

(D) materials manufacturers, including—

(i) aluminum;

(ii) chemicals;

(iii) forest and paper products;

(iv) metal casting;

(v) glass;

(vi) petroleum refining;

(vii) mining; and

(viii) steel;

(E) other energy-intensive industries, as determined by the Secretary.

(3) FEEDSTOCK.—The term ''feedstock'' means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) PARTNERSHIP.—The term ''partnership'' means an energy efficiency partnership established under subsection (c)(1)(A).

(5) PROGRAM.—The term ''program'' means the energy-intensive industries program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with energy-intensive industries and national industry trade associations representing the energy-intensive industries, shall support, research, develop, and promote the use of new materials processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States' industrial and commercial sectors.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall establish energy efficiency partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve the energy efficiency of equipment and processes used by energy-intensive industries, including the conduct of activities to—

(A) increase the energy efficiency of industrial processes and facilities;

(B) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance; and

(C) promote the use of the processes, technologies, and techniques described in subparagraphs (A) and (B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for funding under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting industry feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) research to develop and demonstrate technologies and processes that utilize alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(C) research to achieve energy efficiency in steam, power, control system, and process heat technologies, and in other manufacturing processes; and

(D) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(E) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(F) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for funding under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of funding under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) GRANTS.—The Secretary may award competitive grants for innovative technology research, development and demonstrations to universities, individual inventors, and small companies, based on energy savings potential, commercial viability, and technical merit.

(e) INSTITUTION OF HIGHER EDUCATION-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers, whose purpose shall be—

(1) to identify opportunities for optimizing energy efficiency and environmental performance;

(2) to promote applications of emerging concepts and technologies in small and medium-sized manufacturers;

(3) to promote research and development for the use of alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(4) to coordinate with appropriate Federal and State research offices, and provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

(5) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

(3) COORDINATION AND NONDUPLICATION.—The Secretary shall coordinate efforts under this section with other programs of the Department and other Federal agencies to avoid duplication of effort.

SEC. 453. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

(a) DEFINITIONS.—In this section:

(1) DATA CENTER.—The term ''data center'' means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be—

(A) a free-standing structure; or

(B) a facility within a larger structure, that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) DATA CENTER OPERATOR.—The term ''data center operator'' means any person or government entity that builds or operates a data center or purchases data center services, equipment, and facilities.

(b) VOLUNTARY NATIONAL INFORMATION PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Administrator of the Environmental Protection Agency shall, after consulting with information technology industry and other interested parties, initiate a voluntary national information program for those types of data centers and data center equipment and facilities that are widely used and for which there is a potential for significant data center energy savings as a result of the program.

(2) REQUIREMENTS.—The program described in paragraph (1) shall—

(A) address data center efficiency holistically, reflecting the total energy consumption of data centers as whole systems, including both equipment and facilities;

(B) consider prior work and studies undertaken in this area, including by the Environmental Protection Agency and the Department of Energy;

(C) consistent with the objectives described in paragraph (1), determine the type of data center and data center equipment and facilities to be covered under the program;

(D) produce specifications, measurements, best practices, and benchmarks that will enable data center operators to make more informed decisions about the energy efficiency and costs of data centers, and that take into account—

(i) the performance and use of servers, data storage devices, and other information technology equipment;

(ii) the efficiency of heating, ventilation, and air conditioning, cooling, and power conditioning systems, provided that no modification shall be required of a standard then in effect under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) for any covered heating, ventilation, air-conditioning, cooling or power-conditioning product;

(iii) energy savings from the adoption of software and data management techniques; and

(iv) other factors determined by the organization described in subsection (c);

(E) allow for creation of separate specifications, measurements, and benchmarks based on data center size and function, as well as other appropriate characteristics;

(F) advance the design and implementation of efficiency technologies to the maximum extent economically practical;

(G) provide to data center operators in the private sector and the Federal Government information about best practices and purchasing decisions that reduce the energy consumption of data centers; and

(H) publish the information described in subparagraph (G), which may be disseminated through catalogs, trade publications, the Internet, or other mechanisms, that will allow data center operators to assess the energy consumption and potential cost savings of alternative data centers and data center equipment and facilities.

(3) PROCEDURES.—The program described in paragraph (1) shall be developed in consultation with and coordinated by the organization described in subsection (c) according to commonly accepted procedures for the development of specifications, measurements, and benchmarks.

(c) DATA CENTER EFFICIENCY ORGANIZATION.—

(1) IN GENERAL.—After the establishment of the program described in subsection (b), the Secretary and the Administrator shall jointly designate an information technology industry organization to consult with and to coordinate the program.

(2) REQUIREMENTS.—The organization designated under paragraph (1), whether pre-existing or formed specifically for the purposes of subsection (b), shall—

(A) consist of interested parties that have expertise in energy efficiency and in the development, operation, and functionality of computer data centers, information technology equipment, and software, as well as representatives of hardware manufacturers, data center operators, and facility managers;

(B) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise in any of the areas listed in paragraph (1);

(C) follow commonly accepted procedures for the development of specifications and accredited standards development processes;

(D) have a mission to develop and promote energy efficiency for data centers and information technology; and

(E) have the primary responsibility to consult in the development and publishing of the information, measurements, and benchmarks described in subsection (b) and transmission of the information to the Secretary and the Administrator for consideration under subsection (d).

(d) MEASUREMENTS AND SPECIFICATIONS.—

(1) IN GENERAL.—The Secretary and the Administrator shall consider the specifications, measurements, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy and Environmental Protection Agency, respectively.

(2) REJECTIONS.—If the Secretary or the Administrator rejects 1 or more specifications, measurements, or benchmarks described in subsection (b), the rejection shall be made consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; Public Law 104–113).

(3) DETERMINATION OF IMPRACTICABILITY.—A determination that a specification, measurement, or benchmark described in subsection (b) is impractical may include consideration of the maximum efficiency that is technologically feasible and economically justified.

(e) MONITORING.—The Secretary and the Administrator shall—

(1) monitor and evaluate the efforts to develop the program described in subsection (b); and

(2) not later than 3 years after the date of enactment of this Act, make a determination as to whether the program is consistent with the objectives of subsection (b).

(f) ALTERNATIVE SYSTEM.—If the Secretary and the Administrator make a determination under subsection (e) that a voluntary national information program for data centers consistent with the objectives of subsection (b) has not been developed, the Secretary and the Administrator shall, after consultation with the National Institute of Standards and Technology and not later than 2 years after the determination, develop and implement the program under subsection (b).

(g) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary, the Administrator, or the data center efficiency organization shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the program established under this section.

Subtitle E—Healthy High-Performance Schools

SEC. 461. HEALTHY HIGH-PERFORMANCE SCHOOLS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following new title:

''TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

''SEC. 501. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

''(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, may provide grants to States for use in—

''(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

''(2) development and implementation of State school environmental health programs that include—

''(A) standards for school building design, construction, and renovation; and

''(B) identification of ongoing school building environmental problems, including contaminants, hazardous substances, and pollutant emissions, in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

''(b) SUNSET.—The authority of the Administrator to carry out this section shall expire 5 years after the date of enactment of this section.

''SEC. 502. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

''Not later than 18 months after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall issue voluntary school site selection guidelines that account for—

''(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

''(2) modes of transportation available to students and staff;

''(3) the efficient use of energy; and

''(4) the potential use of a school at the site as an emergency shelter.

''SEC. 503. PUBLIC OUTREACH.

''(a) REPORTS.—The Administrator shall publish and submit to Congress an annual report on all activities carried out under this title, until the expiration of authority described in section 501(b).

''(b) PUBLIC OUTREACH.—The Federal Director appointed under section 436(a) of the Energy Independence and Security Act of 2007 (in this title referred to as the 'Federal Director') shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423(1) of the Energy Independence and Security Act of 2007 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

''SEC. 504. ENVIRONMENTAL HEALTH PROGRAM.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

''(1) takes into account the status and findings of Federal initiatives established under this title or subtitle C of title IV of the Energy Independence and Security Act of 2007 and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

''(A) health, safety, and productivity; and

''(B) disabilities or special needs;

''(2) takes into account studies using relevant tools identified or developed in accordance with section 492 of the Energy Independence and Security Act of 2007;

''(3) takes into account, with respect to school facilities, each of—

''(A) environmental problems, contaminants, hazardous substances, and pollutant emissions, including—

''(i) lead from drinking water;

''(ii) lead from materials and products;

''(iii) asbestos;

''(iv) radon;

''(v) the presence of elemental mercury releases from products and containers;

''(vi) pollutant emissions from materials and products; and

''(vii) any other environmental problem, contaminant, hazardous substance, or pollutant emission that present or may present a risk to the health of occupants of the school facilities or environment;

''(B) natural day lighting;

''(C) ventilation choices and technologies;

''(D) heating and cooling choices and technologies;

''(E) moisture control and mold;

''(F) maintenance, cleaning, and pest control activities;

''(G) acoustics; and

''(H) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

''(4) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

''(5) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

''(6) assists States and the public in better understanding and improving the environmental health of children; and

''(7) takes into account the special vulnerability of children in low-income and minority communities to exposures from contaminants, hazardous substances, and pollutant emissions.

''(b) PUBLIC OUTREACH.—The Federal Director and Commercial Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423 of the Energy Independence and Security Act of 2007 receives and makes available—

''(1) information from the Administrator that is contained in the report described in section 503(a); and

''(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

''SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $1,000,000 for fiscal year 2009, and $1,500,000 for each of fiscal years 2010 through 2013, to remain available until expended.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

''Sec. 501. Grants for healthy school environments.

''Sec. 502. Model guidelines for siting of school facilities.

''Sec. 503. Public outreach.

''Sec. 504. Environmental health program.

''Sec. 505. Authorization of appropriations.''.

SEC. 462. STUDY ON INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the Secretary of Education and the Secretary of Energy to conduct a detailed study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K–12 schools.

(b) CONTENTS.—The study shall—

(1) investigate the combined effect building stressors such as heating, cooling, humidity, lighting, and acoustics have on building occupants' health, productivity, and overall well-being;

(2) identify how sustainable building features, such as energy efficiency, are influencing these human outcomes singly and in concert; and

(3) ensure that the impacts of the indoor environmental quality are evaluated as a whole.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $200,000 for each of the fiscal years 2008 through 2012.

Subtitle F—Institutional Entities

SEC. 471. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 6371h) the following:

''SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

''(a) DEFINITIONS.—In this section:

''(1) COMBINED HEAT AND POWER.—The term 'combined heat and power' means the generation of electric energy and heat in a single, integrated system, with an overall thermal efficiency of 60 percent or greater on a higher-heating-value basis.

''(2) DISTRICT ENERGY SYSTEMS.—The term 'district energy systems' means systems providing thermal energy from a renewable energy source, thermal energy source, or highly efficient technology to more than 1 building or fixed energy-consuming use from 1 or more thermal-energy production facilities through pipes or other means to provide space heating, space conditioning, hot water, steam, compression, process energy, or other end uses for that energy.

''(3) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy source, thermal energy source, or a highly efficient technology for transportation, electricity generation, heating, cooling, lighting, or other energy services in fixed installations.

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(5) INSTITUTIONAL ENTITY.—The term 'institutional entity' means an institution of higher education, a public school district, a local government, a municipal utility, or a designee of 1 of those entities.

''(6) RENEWABLE ENERGY SOURCE.—The term 'renewable energy source' has the meaning given the term in section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

''(7) SUSTAINABLE ENERGY INFRASTRUCTURE.—The term 'sustainable energy infrastructure' means—

''(A) facilities for production of energy from renewable energy sources, thermal energy sources, or highly efficient technologies, including combined heat and power or other waste heat use; and

''(B) district energy systems.

''(8) THERMAL ENERGY SOURCE.—The term 'thermal energy source' means—

''(A) a natural source of cooling or heating from lake or ocean water; and

''(B) recovery of useful energy that would otherwise be wasted from ongoing energy uses.

''(b) TECHNICAL ASSISTANCE GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall implement a program of information dissemination and technical assistance to institutional entities to assist the institutional entities in identifying, evaluating, designing, and implementing sustainable energy infrastructure projects in energy sustainability.

''(2) ASSISTANCE.—The Secretary shall support institutional entities in—

''(A) identification of opportunities for sustainable energy infrastructure;

''(B) understanding the technical and economic characteristics of sustainable energy infrastructure;

''(C) utility interconnection and negotiation of power and fuel contracts;

''(D) understanding financing alternatives;

''(E) permitting and siting issues;

''(F) obtaining case studies of similar and successful sustainable energy infrastructure systems; and

''(G) reviewing and obtaining computer software for assessment, design, and operation and maintenance of sustainable energy infrastructure systems.

''(3) ELIGIBLE COSTS FOR TECHNICAL ASSISTANCE GRANTS.—On receipt of an application of an institutional entity, the Secretary may make grants to the institutional entity to fund a portion of the cost of—

''(A) feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

''(B) analysis and implementation of strategies to overcome barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

''(C) detailed engineering of sustainable energy infrastructure.

''(c) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to institutional entities to carry out projects to improve energy efficiency on the grounds and facilities of the institutional entity.

''(B) REQUIREMENT.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 1 grant each year to an institution of higher education in each State.

''(C) MINIMUM FUNDING.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

''(2) CRITERIA.—Evaluation of projects for grant funding shall be based on criteria established by the Secretary, including criteria relating to—

''(A) improvement in energy efficiency;

''(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

''(C) increased use of renewable energy sources or thermal energy sources;

''(D) reduction in consumption of fossil fuels;

''(E) active student participation; and

''(F) need for funding assistance.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree—

''(A) to implement a public awareness campaign concerning the project in the community in which the institutional entity is located; and

''(B) to submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1), including quantification of the results relative to the criteria described under paragraph (2).

''(d) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to institutional entities to engage in innovative energy sustainability projects.

''(B) REQUIREMENT.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 2 grants each year to institutions of higher education in each State.

''(C) MINIMUM FUNDING.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

''(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

''(A) involve—

''(i) an innovative technology that is not yet commercially available; or

''(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

''(B) have the greatest potential for testing or demonstrating new technologies or processes; and

''(C) to the extent undertaken by an institution of higher education, ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of projects.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out using grant funds.

''(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—

''(1) IN GENERAL.—Of the total amount of grants provided to institutions of higher education for a fiscal year under this section, the Secretary shall provide not less than 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000.

''(2) REQUIREMENT.—To the extent that applications have been submitted, at least 50 percent of the amount described in paragraph (1) shall be provided to institutions of higher education that have an endowment of not more than $50,000,000.

''(f) GRANT AMOUNTS.—

''(1) IN GENERAL.—If the Secretary determines that cost sharing is appropriate, the amounts of grants provided under this section shall be limited as provided in this subsection.

''(2) TECHNICAL ASSISTANCE GRANTS.—In the case of grants for technical assistance under subsection (b), grant funds shall be available for not more than—

''(A) an amount equal to the lesser of—

''(i) $50,000; or

''(ii) 75 percent of the cost of feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

''(B) an amount equal to the lesser of—

''(i) $90,000; or

''(ii) 60 percent of the cost of guidance on overcoming barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

''(C) an amount equal to the lesser of—

''(i) $250,000; or

''(ii) 40 percent of the cost of detailed engineering and design of sustainable energy infrastructure.

''(3) GRANTS FOR EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—In the case of grants for efficiency improvement and energy sustainability under subsection (c), grant funds shall be available for not more than an amount equal to the lesser of—

''(A) $1,000,000; or

''(B) 60 percent of the total cost.

''(4) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—In the case of grants for innovation in energy sustainability under subsection (d), grant funds shall be available for not more than an amount equal to the lesser of—

''(A) $500,000; or

''(B) 75 percent of the total cost.

''(g) LOANS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

''(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall provide loans to institutional entities for the purpose of implementing energy efficiency improvements and sustainable energy infrastructure.

''(2) TERMS AND CONDITIONS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, loans made under this subsection shall be on such terms and conditions as the Secretary may prescribe.

''(B) MATURITY.—The final maturity of loans made within a period shall be the lesser of, as determined by the Secretary—

''(i) 20 years; or

''(ii) 90 percent of the useful life of the principal physical asset to be financed by the loan.

''(C) DEFAULT.—No loan made under this subsection may be subordinated to another debt contracted by the institutional entity or to any other claims against the institutional entity in the case of default.

''(D) BENCHMARK INTEREST RATE.—

''(i) IN GENERAL.—Loans under this subsection shall be at an interest rate that is set by reference to a benchmark interest rate (yield) on marketable Treasury securities with a similar maturity to the direct loans being made.

''(ii) MINIMUM.—The minimum interest rate of loans under this subsection shall be at the interest rate of the benchmark financial instrument.

''(iii) NEW LOANS.—The minimum interest rate of new loans shall be adjusted each quarter to take account of changes in the interest rate of the benchmark financial instrument.

''(E) CREDIT RISK.—The Secretary shall—

''(i) prescribe explicit standards for use in periodically assessing the credit risk of making direct loans under this subsection; and

''(ii) find that there is a reasonable assurance of repayment before making a loan.

''(F) ADVANCE BUDGET AUTHORITY REQUIRED.—New direct loans may not be obligated under this subsection except to the extent that appropriations of budget authority to cover the costs of the new direct loans are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(3) CRITERIA.—Evaluation of projects for potential loan funding shall be based on criteria established by the Secretary, including criteria relating to—

''(A) improvement in energy efficiency;

''(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

''(C) increased use of renewable electric energy sources or renewable thermal energy sources;

''(D) reduction in consumption of fossil fuels; and

''(E) need for funding assistance, including consideration of the size of endowment or other financial resources available to the institutional entity.

''(4) LABOR STANDARDS.—

''(A) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

''(B) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 Fed. Reg. 3176; 64 Stat. 1267) and section 3145 of title 40, United States Code.

''(h) PROGRAM PROCEDURES.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish procedures for the solicitation and evaluation of potential projects for grant and loan funding and administration of the grant and loan programs.

''(i) AUTHORIZATION.—

''(1) GRANTS.—There is authorized to be appropriated for the cost of grants authorized in subsections (b), (c), and (d) $250,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.

''(2) LOANS.—There is authorized to be appropriated for the initial cost of direct loans authorized in subsection (g) $500,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.''.

Subtitle G—Public and Assisted Housing

SEC. 481. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking '', where such standards are determined to be cost effective by the Secretary of Housing and Urban Development''; and

(B) in the first sentence of paragraph (2)—

(i) by striking ''Council of American Building Officials Model Energy Code, 1992'' and inserting ''2006 International Energy Conservation Code''; and

(ii) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(2) in subsection (b)—

*(A) in the heading, by striking ''**MODEL ENERGY CODE**.—'' and inserting ''**INTERNATIONAL ENERGY CONSERVATION CODE**.—'';*

(B) by inserting ''and rehabilitation'' after ''all new construction''; and

(C) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(3) in subsection (c)—

*(A) in the heading, by striking ''**MODEL ENERGY CODE AND**''; and*

(B) by striking '', or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(4) by adding at the end the following:

''(d) FAILURE TO AMEND THE STANDARDS.—If the Secretary of Housing and Urban Development and the Secretary of Agriculture have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c), all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard if—

''(1) the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively; and

''(2) the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency.'';

(5) by striking ''CABO Model Energy Code, 1992'' each place it appears and inserting ''the 2006 IECC''; and

(6) by striking ''1989'' each place it appears and inserting ''2004''.

Subtitle H—General Provisions

SEC. 491. DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Federal Director and the Commercial Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office of Commercial High-Performance Green Buildings and the Office of Federal High-Performance Green Buildings.

(b) PROJECTS.—In accordance with guidelines established by the Federal Director and the Commercial Director under subsection (a) and the duties of the Federal Director and the Commercial Director described in this title, the Federal Director or the Commercial Director shall carry out—

(1) for each of fiscal years 2009 through 2014, 1 demonstration project per year of green features in a Federal building selected by the Federal Director in accordance with relevant agencies and described in subsection (c)(1), that—

(A) provides for instrumentation, monitoring, and data collection related to the green features, for study of the impact of the features on overall energy use and operational costs, and for the evaluation of the information obtained through the conduct of projects and activities under this title; and

(B) achieves the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(2) no fewer than 4 demonstration projects at 4 universities, that, as competitively selected by the Commercial Director in accordance with subsection (c)(2), have—

(A) appropriate research resources and relevant projects to meet the goals of the demonstration project established by the Office of Commercial High-Performance Green Buildings; and

(B) the ability—

(i) to serve as a model for high-performance green building initiatives, including research and education by achieving the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(ii) to identify the most effective ways to use high-performance green building and landscape technologies to engage and educate undergraduate and graduate students;

(iii) to effectively implement a high-performance green building education program for students and occupants;

(iv) to demonstrate the effectiveness of various high-performance technologies, including their impacts on energy use and operational costs, in each of the 4 climatic regions of the United States described in subsection (c)(2)(B); and

(v) to explore quantifiable and nonquantifiable beneficial impacts on public health and employee and student performance;

(3) demonstration projects to evaluate replicable approaches of achieving high performance in actual building operation in various types of commercial buildings in various climates; and

(4) deployment activities to disseminate information on and encourage widespread adoption of technologies, practices, and policies to achieve zero-net-energy commercial buildings or low energy use and effective monitoring of energy use in commercial buildings.

(c) CRITERIA.—

(1) FEDERAL FACILITIES.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(A) be an appropriate model for a project relating to—

(i) the effectiveness of high-performance technologies;

(ii) analysis of materials, components, systems, and emergency operations in the building, and the impact of those materials, components, and systems, including the impact on the health of building occupants;

(iii) life-cycle costing and life-cycle assessment of building materials and systems; and

(iv) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(B) possess sufficient technological and organizational adaptability.

(2) UNIVERSITIES.—With respect to the 4 universities at which a demonstration project under this section is conducted—

(A) the universities should be selected, after careful review of all applications received containing the required information, as determined by the Commercial Director, based on—

(i) successful and established public-private research and development partnerships;

(ii) demonstrated capabilities to construct or renovate buildings that meet high indoor environmental quality standards;

(iii) organizational flexibility;

(iv) technological adaptability;

(v) the demonstrated capacity of at least 1 university to replicate lessons learned among nearby or sister universities, preferably by participation in groups or consortia that promote sustainability;

(vi) the demonstrated capacity of at least 1 university to have officially-adopted, institution-wide ''high-performance green building'' guidelines for all campus building projects; and

(vii) the demonstrated capacity of at least 1 university to have been recognized by similar institutions as a national leader in sustainability education and curriculum for students of the university; and

(B) each university shall be located in a different climatic region of the United States, each of which regions shall have, as determined by the Office of Commercial High-Performance Green Buildings—

(i) a hot, dry climate;

(ii) a hot, humid climate;

(iii) a cold climate; or

(iv) a temperate climate (including a climate with cold winters and humid summers).

(d) APPLICATIONS.—To receive a grant under subsection (b), an eligible applicant shall submit to the Federal Director or the Commercial Director an application at such time, in such manner, and containing such information as the Director may require, including a written assurance that all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary of Labor shall, with respect to the labor standards described in this subsection, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2014—

(1) the Federal Director and the Commercial Director shall submit to the Secretary a report that describes the status of the demonstration projects; and

(2) each University at which a demonstration project under this section is conducted shall submit to the Secretary a report that describes the status of the demonstration projects under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the demonstration project described in section (b)(1) $10,000,000 for the period of fiscal years 2008 through 2012, and to carry out the demonstration project described in section (b)(2), $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 492. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Federal Director and the Commercial Director, jointly and in coordination with the Advisory Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, safety, security, and accessibility and each of—

(i) emissions from materials and products in the building;
(ii) natural day lighting;
(iii) ventilation choices and technologies;
(iv) heating, cooling, and system control choices and technologies;
(v) moisture control and mold;
(vi) maintenance, cleaning, and pest control activities;
(vii) acoustics;
(viii) access to public transportation; and
(ix) other issues relating to the health, comfort, productivity, and performance of occupants of the building;
(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—
(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and
(ii) to perform life-cycle assessments; and
(C) identifies and tests new and emerging technologies for high performance green buildings;
(3) assist the budget and life-cycle costing functions of the Directors' Offices under section 436(d);
(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and
(5) support other research initiatives determined by the Directors' Offices.
(b) INDOOR AIR QUALITY.—The Federal Director, in consultation with the Administrator of the Environmental Protection Agency and the Advisory Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—
(1) during new construction and renovation of facilities; and
(2) in existing facilities.

SEC. 493. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 329. DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

''(a) GRANT PROGRAM.—
''(1) IN GENERAL.—The Administrator shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—
''(A) to deploy cost-effective technologies and practices; and
''(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.
''(2) COST SHARING.—
''(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.
''(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.
''(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.
''(b) GUIDELINES.—
''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall issue guidelines to implement the grant program established under subsection (a).
''(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—
''(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;
''(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and
''(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).
''(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.
''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.
''(e) REPORTS.—
''(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.
''(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.
''(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.
''(g) DEFINITIONS.—In this section, the terms 'cost effective technologies and practices' and 'operating cost savings' shall have the meanings defined in section 401 of the Energy Independence and Security Act of 2007.''.

SEC. 494. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Federal Director, in coordination with the Commercial Director, shall establish an advisory committee, to be known as the ''Green Building Advisory Committee''.
(b) MEMBERSHIP.—
(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—
(A) each agency referred to in section 421(e); and
(B) other relevant agencies and entities, as determined by the Federal Director, including at least 1 representative of each of—
(i) State and local governmental green building programs;
(ii) independent green building associations or councils;
(iii) building experts, including architects, material suppliers, and construction contractors;
(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations;
(v) public transportation industry experts; and
(vi) environmental health experts, including those with experience in children's health.
(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.
(c) MEETINGS.—The Federal Director shall establish a regular schedule of meetings for the Committee.
(d) DUTIES.—The Committee shall provide advice and expertise for use by the Federal Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.
(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 495. ADVISORY COMMITTEE ON ENERGY EFFICIENCY FINANCE.

(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy, shall establish an Advisory Committee on Energy Efficiency Finance to provide advice and recommendations to the Department on energy efficiency finance and investment issues, options, ideas, and trends, and to assist the energy community in identifying practical ways of lowering costs and increasing investments in energy efficiency technologies.
(b) MEMBERSHIP.—The advisory committee established under this section shall have a balanced membership that shall include members with expertise in—
(1) availability of seed capital;
(2) availability of venture capital;
(3) availability of other sources of private equity;
(4) investment banking with respect to corporate finance;
(5) investment banking with respect to mergers and acquisitions;
(6) equity capital markets;
(7) debt capital markets;
(8) research analysis;
(9) sales and trading;
(10) commercial lending; and
(11) residential lending.
(c) TERMINATION.—The Advisory Committee on Energy Efficiency Finance shall terminate on the date that is 10 years after the date of enactment of this Act.
(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to the Secretary for carrying out this section.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

SEC. 501. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASIBILITY STUDIES.

(a) STUDIES.—The Architect of the Capitol may conduct feasibility studies regarding construction of photovoltaic roofs for the Rayburn House Office Building and the Hart Senate Office Building.
(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the feasibility studies and recommendations regarding construction of photovoltaic roofs for the buildings referred to in subsection (a).
(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 502. CAPITOL COMPLEX E–85 REFUELING STATION.

(a) CONSTRUCTION.—The Architect of the Capitol may construct a fuel tank and pumping system for E–85 fuel at or within close proximity to the Capitol Grounds Fuel Station.
(b) USE.—The E–85 fuel tank and pumping system shall be available for use by all legislative branch vehicles capable of operating with E–85 fuel, subject to such other legislative branch agencies reimbursing the Architect of the Capitol for the costs of E–85 fuel used by such other legislative branch vehicles.
(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $640,000 for fiscal year 2008.

SEC. 503. ENERGY AND ENVIRONMENTAL MEASURES IN CAPITOL COMPLEX MASTER PLAN.

(a) IN GENERAL.—To the maximum extent practicable, the Architect of the Capitol shall

include energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a).

SEC. 504. PROMOTING MAXIMUM EFFICIENCY IN OPERATION OF CAPITOL POWER PLANT.

(a) STEAM BOILERS.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures and adjusting the operation of the boilers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) CHILLER PLANT.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting water temperatures and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(c) METERS.—Not later than 90 days after the date of the enactment of this Act, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Architect of the Capitol shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

SEC. 505. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS FEASIBILITY STUDY AND DEMONSTRATION PROJECTS.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285) is amended in the seventh undesignated paragraph (relating to the Capitol power plant) under the heading ''Public Buildings'', under the heading ''Under the Department of Interior''—

(1) by striking ''ninety thousand dollars:'' and inserting $90,000.''; and

(2) by striking ''Provided, That hereafter the'' and all that follows through the end of the proviso and inserting the following:

''(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762) shall be known as the 'Capitol Power Plant'.

''(b) DEFINITION.—In this section, the term 'carbon dioxide energy efficiency' means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

''(c) FEASIBILITY STUDY.—The Architect of the Capitol shall conduct a feasibility study evaluating the available methods to capture, store, and use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels. In carrying out the feasibility study, the Architect of the Capitol is encouraged to consult with individuals with expertise in carbon capture and storage or use, including experts with the Environmental Protection Agency, Department of Energy, academic institutions, non-profit organizations, and industry, as appropriate. The study shall consider—

''(1) the availability of technologies to capture and store or use Capitol Power Plant carbon dioxide emissions;

''(2) strategies to conserve energy and reduce carbon dioxide emissions at the Capitol Power Plant; and

''(3) other factors as determined by the Architect of the Capitol.

''(d) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—If the feasibility study determines that a demonstration project to capture and store or use Capitol Power Plant carbon dioxide emissions is technologically feasible and economically justified (including direct and indirect economic and environmental benefits), the Architect of the Capitol may conduct one or more demonstration projects to capture and store or use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels.

''(2) FACTORS FOR CONSIDERATION.—In carrying out such demonstration projects, the Architect of the Capitol shall consider—

''(A) the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

''(B) whether the proposed project is able to reduce air pollutants other than carbon dioxide;

''(C) the carbon dioxide energy efficiency of the proposed project;

''(D) whether the proposed project is able to use carbon dioxide emissions;

''(E) whether the proposed project could be expanded to significantly increase the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

''(F) the potential environmental, energy, and educational benefits of demonstrating the capture and storage or use of carbon dioxide at the U.S. Capitol; and

''(G) other factors as determined by the Architect of the Capitol.

''(3) TERMS AND CONDITIONS.—A demonstration project funded under this section shall be subject to such terms and conditions as the Architect of the Capitol may prescribe.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the feasibility study and demonstration project $3,000,000. Such sums shall remain available until expended.''.

Subtitle B—Energy Savings Performance Contracting

SEC. 511. AUTHORITY TO ENTER INTO CONTRACTS; REPORTS.

(a) IN GENERAL.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(1) in clause (ii), by inserting ''and'' after the semicolon at the end;

(2) by striking clause (iii); and

(3) by redesignating clause (iv) as clause (iii).

(b) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting ''and any termination penalty exposure'' after ''the energy and cost savings that have resulted from such contracts''.

(c) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

SEC. 512. FINANCING FLEXIBILITY.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

''(E) FUNDING OPTIONS.—In carrying out a contract under this title, a Federal agency may use any combination of—

''(i) appropriated funds; and

''(ii) private financing under an energy savings performance contract.''.

SEC. 513. PROMOTING LONG-TERM ENERGY SAVINGS PERFORMANCE CONTRACTS AND VERIFYING SAVINGS.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) (as amended by section 512) is amended—

(1) in subparagraph (D), by inserting ''beginning on the date of the delivery order'' after ''25 years''; and

(2) by adding at the end the following:

''(F) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

''(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

''(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

''(G) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

''(i) IN GENERAL.—In the case of energy savings performance contracts, the evaluations and savings measurement and verification required under paragraphs (2) and (4) of section 543(f) shall be used by a Federal agency to meet the requirements for the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section.

''(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 18 months after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by subtitle B of title V of the Energy Independence and Security Act of 2007.''.

SEC. 514. PERMANENT REAUTHORIZATION.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

SEC. 515. DEFINITION OF ENERGY SAVINGS.

Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking ''means a reduction'' and inserting ''means—

''(A) a reduction'';

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(B) the increased efficient use of an existing energy source by cogeneration or heat recovery;

''(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

''(D) the increased efficient use of existing water sources in interior or exterior applications.''.

SEC. 516. RETENTION OF SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

SEC. 517. TRAINING FEDERAL CONTRACTING OFFICERS TO NEGOTIATE ENERGY EFFICIENCY CONTRACTS.

(a) PROGRAM.—The Secretary shall create and administer in the Federal Energy Management Program a training program to educate Federal contract negotiation and contract management personnel so that the contract officers are prepared to—

(1) negotiate energy savings performance contracts;

(2) conclude effective and timely contracts for energy efficiency services with all companies offering energy efficiency services; and

(3) review Federal contracts for all products and services for the potential energy efficiency opportunities and implications of the contracts.

(b) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall plan, staff, announce, and begin training under the Federal Energy Management Program.

(c) PERSONNEL TO BE TRAINED.—Personnel appropriate to receive training under the Federal Energy Management Program shall be selected by and sent for the training from—

(1) the Department of Defense;

(2) the Department of Veterans Affairs;

(3) the Department;

(4) the General Services Administration;

(5) the Department of Housing and Urban Development;

(6) the United States Postal Service; and

(7) all other Federal agencies and departments that enter contracts for buildings, building services, electricity and electricity services, natural gas and natural gas services, heating and air conditioning services, building fuel purchases, and other types of procurement or service contracts determined by the Secretary, in carrying out the Federal Energy Management Program, to offer the potential for energy savings and greenhouse gas emission reductions if negotiated with taking into account those goals.

(d) TRAINERS.—Training under the Federal Energy Management Program may be conducted by—

(1) attorneys or contract officers with experience in negotiating and managing contracts described in subsection (c)(7) from any agency, except that the Secretary shall reimburse the related salaries and expenses of the attorneys or contract officers from amounts made available for carrying out this section to the extent the attorneys or contract officers are not employees of the Department; and

(2) private experts hired by the Secretary for the purposes of this section, except that the Secretary may not hire experts who are simultaneously employed by any company under contract to provide energy efficiency services to the Federal Government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $750,000 for each of fiscal years 2008 through 2012.

SEC. 518. STUDY OF ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(A) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(i) that transportation; or

(ii) maintaining a controlled environment within the vehicle, device, or equipment; and

(B) any federally-owned equipment used to generate electricity or transport water.

(2) SECONDARY SAVINGS.—

(A) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(B) INCLUSIONS.—The term ''secondary savings'' includes—

(i) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(ii) personnel cost savings and environmental benefits; and

(iii) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(2) REQUIREMENTS.—The study under this subsection shall include—

(A) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(B) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to that use; and

(C) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

Subtitle C—Energy Efficiency in Federal Agencies

SEC. 521. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department located at 1000 Independence Avenue, SW., Washington, DC, commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alternations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

SEC. 522. PROHIBITION ON INCANDESCENT LAMPS BY COAST GUARD.

(a) PROHIBITION.—Except as provided by subsection (b), on and after January 1, 2009, a general service incandescent lamp shall not be purchased or installed in a Coast Guard facility by or on behalf of the Coast Guard.

(b) EXCEPTION.—A general service incandescent lamp may be purchased, installed, and used in a Coast Guard facility whenever the application of a general service incandescent lamp is—

(1) necessary due to purpose or design, including medical, security, and industrial applications;

(2) reasonable due to the architectural or historical value of a light fixture installed before January 1, 2009; or

(3) the Commandant of the Coast Guard determines that operational requirements necessitate the use of a general service incandescent lamp.

(c) LIMITATION.—In this section, the term ''facility'' does not include a vessel or aircraft of the Coast Guard.

SEC. 523. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in clause (i)(II), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) if lifecycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.''.

SEC. 524. FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

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

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

''(e) FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.—

''(1) DEFINITION OF ELIGIBLE PRODUCT.—In this subsection, the term 'eligible product' means a commercially available, off-the-shelf product that—

''(A)(i) uses external standby power devices; or

''(ii) contains an internal standby power function; and

''(B) is included on the list compiled under paragraph (4).

''(2) FEDERAL PURCHASING REQUIREMENT.—Subject to paragraph (3), if an agency purchases an eligible product, the agency shall purchase—

''(A) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

''(B) if an eligible product described in subparagraph (A) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

''(3) LIMITATION.—The requirements of paragraph (2) shall apply to a purchase by an agency only if—

''(A) the lower-wattage eligible product is—

''(i) lifecycle cost-effective; and

''(ii) practicable; and

''(B) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

''(4) ELIGIBLE PRODUCTS.—The Secretary, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of paragraph (2).''.

SEC. 525. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) AMENDMENTS.—Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) in subsection (b)(1), by inserting ''in a product category covered by the Energy Star program or the Federal Energy Management Program for designated products'' after ''energy consuming product''; and

(2) in the second sentence of subsection (c)—

(A) by inserting ''list in their catalogues, represent as available, and'' after ''Logistics Agency shall''; and

(B) by striking ''where the agency'' and inserting ''in which the head of the agency''.

(b) CATALOGUE LISTING DEADLINE.—Not later than 9 months after the date of enactment of this Act, the General Services Administration and the Defense Logistics Agency shall ensure that the requirement established by the amendment made by subsection (a)(2)(A) has been fully complied with.

SEC. 526. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

SEC. 527. GOVERNMENT EFFICIENCY STATUS REPORTS.

(a) IN GENERAL.—Each Federal agency subject to any of the requirements of this title or the

amendments made by this title shall compile and submit to the Director of the Office of Management and Budget an annual Government efficiency status report on—

(1) compliance by the agency with each of the requirements of this title and the amendments made by this title;

(2) the status of the implementation by the agency of initiatives to improve energy efficiency, reduce energy costs, and reduce emissions of greenhouse gases; and

(3) savings to the taxpayers of the United States resulting from mandated improvements under this title and the amendments made by this title

(b) SUBMISSION.—The report shall be submitted—

(1) to the Director at such time as the Director requires;

(2) in electronic, not paper, format; and

(3) consistent with related reporting requirements.

SEC. 528. OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.

(a) REPORTS.—Not later than April 1 of each year, the Director of the Office of Management and Budget shall submit an annual Government efficiency report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, which shall contain—

(1) a summary of the information reported by agencies under section 527;

(2) an evaluation of the overall progress of the Federal Government toward achieving the goals of this title and the amendments made by this title; and

(3) recommendations for additional actions necessary to meet the goals of this title and the amendments made by this title.

(b) SCORECARDS.—The Director of the Office of Management and Budget shall include in any annual energy scorecard the Director is otherwise required to submit a description of the compliance of each agency with the requirements of this title and the amendments made by this title.

SEC. 529. ELECTRICITY SECTOR DEMAND RESPONSE.

(a) IN GENERAL.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8241 et seq.) is amended by adding at the end the following:

"PART 5—PEAK DEMAND REDUCTION

"SEC. 571. NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

''(a) NATIONAL ASSESSMENT AND REPORT.—The Federal Energy Regulatory Commission ('Commission') shall conduct a National Assessment of Demand Response. The Commission shall, within 18 months of the date of enactment of this part, submit a report to Congress that includes each of the following:

''(1) Estimation of nationwide demand response potential in 5 and 10 year horizons, including data on a State-by-State basis, and a methodology for updates of such estimates on an annual basis.

''(2) Estimation of how much of this potential can be achieved within 5 and 10 years after the enactment of this part accompanied by specific policy recommendations that if implemented can achieve the estimated potential. Such recommendations shall include options for funding and/or incentives for the development of demand response resources.

''(3) The Commission shall further note any barriers to demand response programs offering flexible, non-discriminatory, and fairly compensatory terms for the services and benefits made available, and shall provide recommendations for overcoming such barriers.

''(4) The Commission shall seek to take advantage of preexisting research and ongoing work, and shall insure that there is no duplication of effort.

''(b) NATIONAL ACTION PLAN ON DEMAND RESPONSE.—The Commission shall further develop a National Action Plan on Demand Response, soliciting and accepting input and participation from a broad range of industry stakeholders, State regulatory utility commissioners, and nongovernmental groups. The Commission shall seek consensus where possible, and decide on optimum solutions to issues that defy consensus. Such Plan shall be completed within one year after the completion of the National Assessment of Demand Response, and shall meet each of the following objectives:

''(1) Identification of requirements for technical assistance to States to allow them to maximize the amount of demand response resources that can be developed and deployed.

''(2) Design and identification of requirements for implementation of a national communications program that includes broad-based customer education and support.

''(3) Development or identification of analytical tools, information, model regulatory provisions, model contracts, and other support materials for use by customers, states, utilities and demand response providers.

''(c) Upon completion, the National Action Plan on Demand Response shall be published, together with any favorable and dissenting comments submitted by participants in its preparation. Six months after publication, the Commission, together with the Secretary of Energy, shall submit to Congress a proposal to implement the Action Plan, including specific proposed assignments of responsibility, proposed budget amounts, and any agreements secured for participation from State and other participants.

''(d) AUTHORIZATION.—There are authorized to be appropriated to the Commission to carry out this section not more than $10,000,000 for each of the fiscal years 2008, 2009, and 2010.''.

(b) TABLE OF CONTENTS.—The table of contents for the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by adding after the items relating to part 4 of title V the following:

''PART 5—PEAK DEMAND REDUCTION

''Sec. 571. National Action Plan for Demand Response.''.

Subtitle D—Energy Efficiency of Public Institutions

SEC. 531. REAUTHORIZATION OF STATE ENERGY PROGRAMS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''$100,000,000 for each of the fiscal years 2006 and 2007 and $125,000,000 for fiscal year 2008'' and inserting ''$125,000,000 for each of fiscal years 2007 through 2012''.

SEC. 532. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

''(A) integrate energy efficiency resources into utility, State, and regional plans; and

''(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

''(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

''(i) align utility incentives with the delivery of cost-effective energy efficiency; and

''(ii) promote energy efficiency investments.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

''(ii) providing utility incentives for the successful management of energy efficiency programs;

''(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

''(iv) adopting rate designs that encourage energy efficiency for each customer class;

''(v) allowing timely recovery of energy efficiency-related costs; and

''(vi) offering home energy audits, offering demand response programs, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans, that make energy efficiency improvements more affordable.''.

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(b)) is amended by adding at the end the following:

''(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

''(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

''(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

''(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

''(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

''(iv) adopting rate designs that encourage energy efficiency for each customer class.

For purposes of applying the provisions of this subtitle to this paragraph, any reference in this subtitle to the date of enactment of this Act shall be treated as a reference to the date of enactment of this paragraph.''.

(c) CONFORMING AMENDMENT.—Section 303(a) of the Public Utility Regulatory Policies Act of 1978 U.S.C. 3203(a)) is amended by striking ''and (4)'' inserting ''(4), (5), and (6)''.

Subtitle E—Energy Efficiency and Conservation Block Grants

SEC. 541. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State;

(B) an eligible unit of local government; and

(C) an Indian tribe.

(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term ''eligible unit of local government'' means—

(A) an eligible unit of local government-alternative 1; and

(B) an eligible unit of local government-alternative 2.

(3)(A) ELIGIBLE UNIT OF LOCAL GOVERNMENT-ALTERNATIVE 1.—The term ''eligible unit of local government-alternative 1'' means—

(i) a city with a population—

(I) of at least 35,000; or

(II) that causes the city to be 1 of the 10 highest-populated cities of the State in which the city is located; and

(ii) a county with a population—

(I) of at least 200,000; or

(II) that causes the county to be 1 of the 10 highest-populated counties of the State in which the county is located.

(B) ELIGIBLE UNIT OF LOCAL GOVERNMENT-ALTERNATIVE 2.—The term ''eligible unit of local government-alternative 2'' means—

(i) a city with a population of at least 50,000; or

(ii) a county with a population of at least 200,000.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self- Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PROGRAM.—The term ''program'' means the Energy Efficiency and Conservation Block Grant Program established under section 542(a).

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 542. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ''Energy Efficiency and Conservation Block Grant Program'', under which the Secretary shall provide grants to eligible entities in accordance with this subtitle.

(b) PURPOSE.—The purpose of the program shall be to assist eligible entities in implementing strategies—

(1) to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities in manner that—

(A) is environmentally sustainable; and

(B) to the maximum extent practicable, maximizes benefits for local and regional communities;

(2) to reduce the total energy use of the eligible entities; and

(3) to improve energy efficiency in—

(A) the transportation sector;

(B) the building sector; and

(C) other appropriate sectors.

SEC. 543. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Of amounts made available to provide grants under this subtitle for each fiscal year, the Secretary shall allocate—

(1) 68 percent to eligible units of local government in accordance with subsection (b);

(2) 28 percent to States in accordance with subsection (c);

(3) 2 percent to Indian tribes in accordance with subsection (d); and

(4) 2 percent for competitive grants under section 546.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT.—Of amounts available for distribution to eligible units of local government under subsection (a)(1), the Secretary shall provide grants to eligible units of local government under this section based on a formula established by the Secretary according to—

(1) the populations served by the eligible units of local government, according to the latest available decennial census; and

(2) the daytime populations of the eligible units of local government and other similar factors (such as square footage of commercial, office, and industrial space), as determined by the Secretary.

(c) STATES.—Of amounts available for distribution to States under subsection (a)(2), the Secretary shall provide—

(1) not less than 1.25 percent to each State; and

(2) the remainder among the States, based on a formula to be established by the Secretary that takes into account—

(A) the population of each State; and

(B) any other criteria that the Secretary determines to be appropriate.

(d) INDIAN TRIBES.—Of amounts available for distribution to Indian tribes under subsection (a)(3), the Secretary shall establish a formula for allocation of the amounts to Indian tribes, taking into account any factors that the Secretary determines to be appropriate.

(e) PUBLICATION OF ALLOCATION FORMULAS.—Not later than 90 days before the beginning of each fiscal year for which grants are provided under this subtitle, the Secretary shall publish in the Federal Register the formulas for allocation established under this section.

(f) STATE AND LOCAL ADVISORY COMMITTEE.—The Secretary shall establish a State and local advisory committee to advise the Secretary regarding administration, implementation, and evaluation of the program.

SEC. 544. USE OF FUNDS.

An eligible entity may use a grant received under this subtitle to carry out activities to achieve the purposes of the program, including—

(1) development and implementation of an energy efficiency and conservation strategy under section 545(b);

(2) retaining technical consultant services to assist the eligible entity in the development of such a strategy, including—

(A) formulation of energy efficiency, energy conservation, and energy usage goals;

(B) identification of strategies to achieve those goals—

(i) through efforts to increase energy efficiency and reduce energy consumption; and

(ii) by encouraging behavioral changes among the population served by the eligible entity;

(C) development of methods to measure progress in achieving the goals;

(D) development and publication of annual reports to the population served by the eligible entity describing—

(i) the strategies and goals; and

(ii) the progress made in achieving the strategies and goals during the preceding calendar year; and

(E) other services to assist in the implementation of the energy efficiency and conservation strategy;

(3) conducting residential and commercial building energy audits;

(4) establishment of financial incentive programs for energy efficiency improvements;

(5) the provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;

(6) development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, including—

(A) design and operation of the programs;

(B) identifying the most effective methods for achieving maximum participation and efficiency rates;

(C) public education;

(D) measurement and verification protocols; and

(E) identification of energy efficient technologies;

(7) development and implementation of programs to conserve energy used in transportation, including—

(A) use of flex time by employers;

(B) satellite work centers;

(C) development and promotion of zoning guidelines or requirements that promote energy efficient development;

(D) development of infrastructure, such as bike lanes and pathways and pedestrian walkways;

(E) synchronization of traffic signals; and

(F) other measures that increase energy efficiency and decrease energy consumption;

(8) development and implementation of building codes and inspection services to promote building energy efficiency;

(9) application and implementation of energy distribution technologies that significantly increase energy efficiency, including—

(A) distributed resources; and

(B) district heating and cooling systems;

(10) activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency;

(11) the purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;

(12) replacement of traffic signals and street lighting with energy efficient lighting technologies, including—

(A) light emitting diodes; and

(B) any other technology of equal or greater energy efficiency;

(13) development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—

(A) solar energy;

(B) wind energy;

(C) fuel cells; and

(D) biomass; and

(14) any other appropriate activity, as determined by the Secretary, in consultation with—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Transportation; and

(C) the Secretary of Housing and Urban Development.

SEC. 545. REQUIREMENTS FOR ELIGIBLE ENTITIES.

(a) CONSTRUCTION REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, each eligible applicant shall submit to the Secretary a written assurance that all laborers and mechanics employed by any contractor or subcontractor of the eligible entity during any construction, alteration, or repair activity funded, in whole or in part, by the grant shall be paid wages at rates not less than the prevailing wages for similar construction activities in the locality, as determined by the Secretary of Labor, in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) SECRETARY OF LABOR.—With respect to the labor standards referred to in paragraph (1), the Secretary of Labor shall have the authority and functions described in—

(A) Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 903 note); and

(B) section 3145 of title 40, United States Code.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES.—

(1) PROPOSED STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date on which an eligible unit of local government or Indian tribe receives a grant under this subtitle, the eligible unit of local government or Indian tribe shall submit to the Secretary a proposed energy efficiency and conservation strategy in accordance with this paragraph.

(B) INCLUSIONS.—The proposed strategy under subparagraph (A) shall include—

(i) a description of the goals of the eligible unit of local government or Indian tribe, in accordance with the purposes of this subtitle, for increased energy efficiency and conservation in the jurisdiction of the eligible unit of local government or Indian tribe; and

(ii) a plan for the use of the grant to assist the eligible unit of local government or Indian tribe in achieving those goals, in accordance with section 544.

(C) REQUIREMENTS FOR ELIGIBLE UNITS OF LOCAL GOVERNMENT.—In developing the strategy under subparagraph (A), an eligible unit of local government shall—

(i) take into account any plans for the use of funds by adjacent eligible units of local governments that receive grants under the program; and

(ii) coordinate and share information with the State in which the eligible unit of local government is located regarding activities carried out

using the grant to maximize the energy efficiency and conservation benefits under this subtitle.

(2) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (1) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the eligible unit of local government or Indian tribe the reasons for the disapproval; and

(ii) the eligible unit of local government or Indian tribe may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to an eligible unit of local government or Indian tribe any grant under the program until a proposed strategy of the eligible unit of local government or Indian tribe is approved by the Secretary under this paragraph.

(3) LIMITATIONS ON USE OF FUNDS.—Of amounts provided to an eligible unit of local government or Indian tribe under the program, an eligible unit of local government or Indian tribe may use—

(A) for administrative expenses, excluding the cost of meeting the reporting requirements of this subtitle, an amount equal to the greater of—

(i) 10 percent; and

(ii) $75,000;

(B) for the establishment of revolving loan funds, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000; and

(C) for the provision of subgrants to nongovernmental organizations for the purpose of assisting in the implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000.

(4) ANNUAL REPORT.—Not later than 2 years after the date on which funds are initially provided to an eligible unit of local government or Indian tribe under the program, and annually thereafter, the eligible unit of local government or Indian tribe shall submit to the Secretary a report describing—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe; and

(B) as practicable, an assessment of energy efficiency gains within the jurisdiction of the eligible unit of local government or Indian tribe.

(c) STATES.—

(1) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—A State that receives a grant under the program shall use not less than 60 percent of the amount received to provide subgrants to units of local government in the State that are not eligible units of local government.

(B) DEADLINE.—The State shall provide the subgrants required under subparagraph (A) by not later than 180 days after the date on which the Secretary approves a proposed energy efficiency and conservation strategy of the State under paragraph (3).

(2) REVISION OF CONSERVATION PLAN; PROPOSED STRATEGY.—Not later than 120 days after the date of enactment of this Act, each State shall—

(A) modify the State energy conservation plan of the State under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) to establish additional goals for increased energy efficiency and conservation in the State; and

(B) submit to the Secretary a proposed energy efficiency and conservation strategy that—

(i) establishes a process for providing subgrants as required under paragraph (1); and

(ii) includes a plan of the State for the use of funds received under a the program to assist the State in achieving the goals established under subparagraph (A), in accordance with sections 542(b) and 544.

(3) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (2)(B) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the State the reasons for the disapproval; and

(ii) the State may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to a State any grant under the program until a proposed strategy of the State is approved the Secretary under this paragraph.

(4) LIMITATIONS ON USE OF FUNDS.—A State may use not more than 10 percent of amounts provided under the program for administrative expenses.

(5) ANNUAL REPORTS.—Each State that receives a grant under the program shall submit to the Secretary an annual report that describes—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the State during the preceding calendar year;

(B) the status of the subgrant program of the State under paragraph (1);

(C) the energy efficiency gains achieved through the energy efficiency and conservation strategy of the State during the preceding calendar year; and

(D) specific energy efficiency and conservation goals of the State for subsequent calendar years.

SEC. 546. COMPETITIVE GRANTS.

(a) IN GENERAL.—Of the total amount made available for each fiscal year to carry out this subtitle, the Secretary shall use not less than 2 percent to provide grants under this section, on a competitive basis, to—

(1) units of local government (including Indian tribes) that are not eligible entities; and

(2) consortia of units of local government described in paragraph (1).

(b) APPLICATIONS.—To be eligible to receive a grant under this section, a unit of local government or consortia shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan of the unit of local government to carry out an activity described in section 544.

(c) PRIORITY.—In providing grants under this section, the Secretary shall give priority to units of local government—

(1) located in States with populations of less than 2,000,000; or

(2) that plan to carry out projects that would result in significant energy efficiency improvements or reductions in fossil fuel use.

SEC. 547. REVIEW AND EVALUATION.

(a) IN GENERAL.—The Secretary may review and evaluate the performance of any eligible entity that receives a grant under the program, including by conducting an audit, as the Secretary determines to be appropriate.

(b) WITHHOLDING OF FUNDS.—The Secretary may withhold from an eligible entity any portion of a grant to be provided to the eligible entity under the program if the Secretary determines that the eligible entity has failed to achieve compliance with—

(1) any applicable guideline or regulation of the Secretary relating to the program, including the misuse or misappropriation of funds provided under the program; or

(2) the energy efficiency and conservation strategy of the eligible entity.

SEC. 548. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There is authorized to be appropriated to the Secretary for the provision of grants under the program $2,000,000,000 for each of fiscal years 2008 through 2012; provided that 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government-alternative 1 in section 541(3)(A) and 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government-alternative 2 in section 541(3)(B).

(2) ADMINISTRATIVE COSTS.—There are authorized to be appropriated to the Secretary for administrative expenses of the program—

(A) $20,000,000 for each of fiscal years 2008 and 2009;

(B) $25,000,000 for each of fiscal years 2010 and 2011; and

(C) $30,000,000 for fiscal year 2012.

(b) MAINTENANCE OF FUNDING.—The funding provided under this section shall supplement (and not supplant) other Federal funding provided under—

(1) a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or

(2) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Solar Energy Research and Advancement Act of 2007''.

SEC. 602. THERMAL ENERGY STORAGE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide lower cost and more viable thermal energy storage technologies to enable the shifting of electric power loads on demand and extend the operating time of concentrating solar power electric generating plants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $5,000,000 for fiscal year 2008, $7,000,000 for fiscal year 2009, $9,000,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012.

SEC. 603. CONCENTRATING SOLAR POWER COMMERCIAL APPLICATION STUDIES.

(a) INTEGRATION.—The Secretary shall conduct a study on methods to integrate concentrating solar power and utility-scale photovoltaic systems into regional electricity transmission systems, and to identify new transmission or transmission upgrades needed to bring electricity from high concentrating solar power resource areas to growing electric power load centers throughout the United States. The study shall analyze and assess cost-effective approaches for management and large-scale integration of concentrating solar power and utility-scale photovoltaic systems into regional electric transmission grids to improve electric reliability, to efficiently manage load, and to reduce demand on the natural gas transmission system for electric power. The Secretary shall submit a report to Congress on the results of this study not later than 12 months after the date of enactment of this Act.

(b) WATER CONSUMPTION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall transmit to Congress a report on the results of a study on methods to reduce the amount of water consumed by concentrating solar power systems.

SEC. 604. SOLAR ENERGY CURRICULUM DEVELOPMENT AND CERTIFICATION GRANTS.

(a) ESTABLISHMENT.—The Secretary shall establish in the Office of Solar Energy Technologies a competitive grant program to create and strengthen solar industry workforce training and internship programs in installation, operation, and maintenance of solar energy products. The goal of this program is to ensure a

supply of well-trained individuals to support the expansion of the solar energy industry.

(b) AUTHORIZED ACTIVITIES.—Grant funds may be used to support the following activities:

(1) Creation and development of a solar energy curriculum appropriate for the local educational, entrepreneurial, and environmental conditions, including curriculum for community colleges.

(2) Support of certification programs for individual solar energy system installers, instructors, and training programs.

(3) Internship programs that provide hands-on participation by students in commercial applications.

(4) Activities required to obtain certification of training programs and facilities by an industry-accepted quality-control certification program.

(5) Incorporation of solar-specific learning modules into traditional occupational training and internship programs for construction-related trades.

(6) The purchase of equipment necessary to carry out activities under this section.

(7) Support of programs that provide guidance and updates to solar energy curriculum instructors.

(c) ADMINISTRATION OF GRANTS.—Grants may be awarded under this section for up to 3 years. The Secretary shall award grants to ensure sufficient geographic distribution of training programs nationally. Grants shall only be awarded for programs certified by an industry-accepted quality-control certification institution, or for new and growing programs with a credible path to certification. Due consideration shall be given to women, underrepresented minorities, and persons with disabilities.

(d) REPORT.—The Secretary shall make public, on the website of the Department or upon request, information on the name and institution for all grants awarded under this section, including a brief description of the project as well as the grant award amount.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $10,000,000 for each of the fiscal years 2008 through 2012.

SEC. 605. DAYLIGHTING SYSTEMS AND DIRECT SOLAR LIGHT PIPE TECHNOLOGY.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide assistance in the demonstration and commercial application of direct solar renewable energy sources to provide alternatives to traditional power generation for lighting and illumination, including light pipe technology, and to promote greater energy conservation and improved efficiency. All direct solar renewable energy devices supported under this program shall have the capability to provide measurable data on the amount of kilowatt-hours saved over the traditionally powered light sources they have replaced.

(b) REPORTING.—The Secretary shall transmit to Congress an annual report assessing the measurable data derived from each project in the direct solar renewable energy sources program and the energy savings resulting from its use.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''direct solar renewable energy'' means energy from a device that converts sunlight into useable light within a building, tunnel, or other enclosed structure, replacing artificial light generated by a light fixture and doing so without the conversion of the sunlight into another form of energy; and

(2) the term ''light pipe'' means a device designed to transport visible solar radiation from its collection point to the interior of a building while excluding interior heat gain in the nonheating season.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $3,500,000 for each of the fiscal years 2008 through 2012.

SEC. 606. SOLAR AIR CONDITIONING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a research, development, and demonstration program to promote less costly and more reliable decentralized distributed solar-powered air conditioning for individuals and businesses.

(b) AUTHORIZED ACTIVITIES.—Grants made available under this section may be used to support the following activities:

(1) Advancing solar thermal collectors, including concentrating solar thermal and electric systems, flat plate and evacuated tube collector performance.

(2) Achieving technical and economic integration of solar-powered distributed air-conditioning systems with existing hot water and storage systems for residential applications.

(3) Designing and demonstrating mass manufacturing capability to reduce costs of modular standardized solar-powered distributed air conditioning systems and components.

(4) Improving the efficiency of solar-powered distributed air-conditioning to increase the effectiveness of solar-powered absorption chillers, solar-driven compressors and condensors, and cost-effective precooling approaches.

(5) Researching and comparing performance of solar-powered distributed air conditioning systems in different regions of the country, including potential integration with other onsite systems, such as solar, biogas, geothermal heat pumps, and propane assist or combined propane fuel cells, with a goal to develop site-specific energy production and management systems that ease fuel and peak utility loading.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SEC. 607. PHOTOVOLTAIC DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program of grants to States to demonstrate advanced photovoltaic technology.

(b) REQUIREMENTS.—

(1) ABILITY TO MEET REQUIREMENTS.—To receive funding under the program under this section, a State must submit a proposal that demonstrates, to the satisfaction of the Secretary, that the State will meet the requirements of subsection (f).

(2) COMPLIANCE WITH REQUIREMENTS.—If a State has received funding under this section for the preceding year, the State must demonstrate, to the satisfaction of the Secretary, that it complied with the requirements of subsection (f) in carrying out the program during that preceding year, and that it will do so in the future, before it can receive further funding under this section.

(c) COMPETITION.—The Secretary shall award grants on a competitive basis to the States with the proposals the Secretary considers most likely to encourage the widespread adoption of photovoltaic technologies. The Secretary shall take into consideration the geographic distribution of awards.

(d) PROPOSALS.—Not later than 6 months after the date of enactment of this Act, and in each subsequent fiscal year for the life of the program, the Secretary shall solicit proposals from the States to participate in the program under this section.

(e) COMPETITIVE CRITERIA.—In awarding funds in a competitive allocation under subsection (c), the Secretary shall consider—

(1) the likelihood of a proposal to encourage the demonstration of, or lower the costs of, advanced photovoltaic technologies; and

(2) the extent to which a proposal is likely to—

(A) maximize the amount of photovoltaics demonstrated;

(B) maximize the proportion of non-Federal cost share; and

(C) limit State administrative costs.

(f) STATE PROGRAM.—A program operated by a State with funding under this section shall provide competitive awards for the demonstration of advanced photo-voltaic technologies. Each State program shall—

(1) require a contribution of at least 60 percent per award from non-Federal sources, which may include any combination of State, local, and private funds, except that at least 10 percent of the funding must be supplied by the State;

(2) endeavor to fund recipients in the commercial, industrial, institutional, governmental, and residential sectors;

(3) limit State administrative costs to no more than 10 percent of the grant;

(4) report annually to the Secretary on—

(A) the amount of funds disbursed;

(B) the amount of photovoltaics purchased; and

(C) the results of the monitoring under paragraph (5);

(5) provide for measurement and verification of the output of a representative sample of the photovoltaics systems demonstrated throughout the average working life of the systems, or at least 20 years; and

(6) require that applicant buildings must have received an independent energy efficiency audit during the 6-month period preceding the filing of the application.

(g) UNEXPENDED FUNDS.—If a State fails to expend any funds received under this section within 3 years of receipt, such remaining funds shall be returned to the Treasury.

(h) REPORTS.—The Secretary shall report to Congress 5 years after funds are first distributed to the States under this section—

(1) the amount of photovoltaics demonstrated;

(2) the number of projects undertaken;

(3) the administrative costs of the program;

(4) the results of the monitoring under subsection (f)(5); and

(5) the total amount of funds distributed, including a breakdown by State.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $30,000,000 for fiscal year 2009;

(3) $45,000,000 for fiscal year 2010;

(4) $60,000,000 for fiscal year 2011; and

(5) $70,000,000 for fiscal year 2012.

Subtitle B—Geothermal Energy

SEC. 611. SHORT TITLE.

This subtitle may be cited as the ''Advanced Geothermal Energy Research and Development Act of 2007''.

SEC. 612. DEFINITIONS.

For purposes of this subtitle:

(1) ENGINEERED.—When referring to enhanced geothermal systems, the term ''engineered'' means subjected to intervention, including intervention to address one or more of the following issues:

(A) Lack of effective permeability or porosity or open fracture connectivity within the reservoir.

(B) Insufficient contained geofluid in the reservoir.

(C) A low average geothermal gradient, which necessitates deeper drilling.

(2) ENHANCED GEOTHERMAL SYSTEMS.—The term ''enhanced geothermal systems'' means geothermal reservoir systems that are engineered, as opposed to occurring naturally.

(3) GEOFLUID.—The term ''geofluid'' means any fluid used to extract thermal energy from the Earth which is transported to the surface for direct use or electric power generation, except that such term shall not include oil or natural gas.

(4) GEOPRESSURED RESOURCES.—The term ''geopressured resources'' mean geothermal deposits found in sedimentary rocks under higher than normal pressure and saturated with gas or methane.

(5) GEOTHERMAL.—The term ''geothermal'' refers to heat energy stored in the Earth's crust that can be accessed for direct use or electric power generation.

(6) HYDROTHERMAL.—The term ''hydrothermal'' refers to naturally occurring subsurface reservoirs of hot water or steam.

(7) SYSTEMS APPROACH.—The term ''systems approach'' means an approach to solving problems or designing systems that attempts to optimize the performance of the overall system, rather than a particular component of the system.

SEC. 613. HYDROTHERMAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support programs of research, development, demonstration, and commercial application to expand the use of geothermal energy production from hydrothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ADVANCED HYDROTHERMAL RESOURCE TOOLS.—The Secretary, in consultation with other appropriate agencies, shall support a program to develop advanced geophysical, geochemical, and geologic tools to assist in locating hidden hydrothermal resources, and to increase the reliability of site characterization before, during, and after initial drilling. The program shall develop new prospecting techniques to assist in prioritization of targets for characterization. The program shall include a field component.

(2) INDUSTRY COUPLED EXPLORATORY DRILLING.—The Secretary shall support a program of cost-shared field demonstration programs, to be pursued, simultaneously and independently, in collaboration with industry partners, for the demonstration of advanced technologies and techniques of siting and exploratory drilling for undiscovered resources in a variety of geologic settings. The program shall include incentives to encourage the use of advanced technologies and techniques.

SEC. 614. GENERAL GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) SUBSURFACE COMPONENTS AND SYSTEMS.—The Secretary shall support a program of research, development, demonstration, and commercial application of components and systems capable of withstanding extreme geothermal environments and necessary to cost-effectively develop, produce, and monitor geothermal reservoirs and produce geothermal energy. These components and systems shall include advanced casing systems (expandable tubular casing, low-clearance casing designs, and others), high-temperature cements, high-temperature submersible pumps, and high-temperature packers, as well as technologies for under-reaming, multilateral completions, high-temperature and high-pressure logging, logging while drilling, deep fracture stimulation, and reservoir system diagnostics.

(b) RESERVOIR PERFORMANCE MODELING.—The Secretary shall support a program of research, development, demonstration, and commercial application of models of geothermal reservoir performance, with an emphasis on accurately modeling performance over time. Models shall be developed to assist both in the development of geothermal reservoirs and to more accurately account for stress-related effects in stimulated hydrothermal and enhanced geothermal systems production environments.

(c) ENVIRONMENTAL IMPACTS.—The Secretary shall—

(1) support a program of research, development, demonstration, and commercial application of technologies and practices designed to mitigate or preclude potential adverse environmental impacts of geothermal energy development, production or use, and seek to ensure that geothermal energy development is consistent with the highest practicable standards of environmental stewardship;

(2) in conjunction with the Assistant Administrator for Research and Development at the Environmental Protection Agency, support a research program to identify potential environmental impacts of geothermal energy development, production, and use, and ensure that the program described in paragraph (1) addresses such impacts, including effects on groundwater and local hydrology; and

(3) support a program of research to compare the potential environmental impacts identified as part of the development, production, and use of geothermal energy with the potential emission reductions of greenhouse gases gained by geothermal energy development, production, and use.

SEC. 615. ENHANCED GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support a program of research, development, demonstration, and commercial application for enhanced geothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ENHANCED GEOTHERMAL SYSTEMS TECHNOLOGIES.—The Secretary shall support a program of research, development, demonstration, and commercial application of the technologies and knowledge necessary for enhanced geothermal systems to advance to a state of commercial readiness, including advances in—

(A) reservoir stimulation;

(B) reservoir characterization, monitoring, and modeling;

(C) stress mapping;

(D) tracer development;

(E) three-dimensional tomography; and

(F) understanding seismic effects of reservoir engineering and stimulation.

(2) ENHANCED GEOTHERMAL SYSTEMS RESERVOIR STIMULATION.—

(A) PROGRAM.—In collaboration with industry partners, the Secretary shall support a program of research, development, and demonstration of enhanced geothermal systems reservoir stimulation technologies and techniques. A minimum of 4 sites shall be selected in locations that show particular promise for enhanced geothermal systems development. Each site shall—

(i) represent a different class of subsurface geologic environments; and

(ii) take advantage of an existing site where subsurface characterization has been conducted or existing drill holes can be utilized, if possible.

(B) CONSIDERATION OF EXISTING SITE.—The Desert Peak, Nevada, site, where a Department of Energy and industry cooperative enhanced geothermal systems project is already underway, may be considered for inclusion among the sites selected under subparagraph (A).

SEC. 616. GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS AND RECOVERY AND PRODUCTION OF GEOPRESSURED GAS RESOURCES.

(a) IN GENERAL.—The Secretary shall establish a program of research, development, demonstration, and commercial application to support development of geothermal energy production from oil and gas fields and production and recovery of energy, including electricity, from geopressured resources. In addition, the Secretary shall conduct such supporting activities including research, resource characterization, and technology development as necessary.

(b) GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS.—The Secretary shall implement a grant program in support of geothermal energy production from oil and gas fields. The program shall include grants for a total of not less than three demonstration projects of the use of geothermal techniques such as advanced organic rankine cycle systems at marginal, unproductive, and productive oil and gas wells. The Secretary shall, to the extent practicable and in the public interest, make awards that—

(1) include not less than five oil or gas well sites per project award;

(2) use a range of oil or gas well hot water source temperatures from 150 degrees Fahrenheit to 300 degrees Fahrenheit;

(3) cover a range of sizes up to one megawatt;

(4) are located at a range of sites;

(5) can be replicated at a wide range of sites;

(6) facilitate identification of optimum techniques among competing alternatives;

(7) include business commercialization plans that have the potential for production of equipment at high volumes and operation and support at a large number of sites; and

(8) satisfy other criteria that the Secretary determines are necessary to carry out the program and collect necessary data and information.

The Secretary shall give preference to assessments that address multiple elements contained in paragraphs (1) through (8).

(c) GRANT AWARDS.—Each grant award for demonstration of geothermal technology such as advanced organic rankine cycle systems at oil and gas wells made by the Secretary under subsection (b) shall include—

(1) necessary and appropriate site engineering study;

(2) detailed economic assessment of site specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) design or adaptation of existing technology for site specific circumstances or conditions;

(5) installation of equipment, service, and support;

(6) operation for a minimum of one year and monitoring for the duration of the demonstration; and

(7) validation of technical and economic assumptions and documentation of lessons learned.

(d) GEOPRESSURED GAS RESOURCE RECOVERY AND PRODUCTION.—(1) The Secretary shall implement a program to support the research, development, demonstration, and commercial application of cost-effective techniques to produce energy from geopressured resources.

(2) The Secretary shall solicit preliminary engineering designs for geopressured resources production and recovery facilities.

(3) Based upon a review of the preliminary designs, the Secretary shall award grants, which may be cost-shared, to support the detailed development and completion of engineering, architectural and technical plans needed to support construction of new designs.

(4) Based upon a review of the final design plans above, the Secretary shall award cost-shared development and construction grants for demonstration geopressured production facilities that show potential for economic recovery of the heat, kinetic energy and gas resources from geopressured resources.

(e) COMPETITIVE GRANT SELECTION.—Not less than 90 days after the date of the enactment of this Act, the Secretary shall conduct a national solicitation for applications for grants under the programs outlined in subsections (b) and (d). Grant recipients shall be selected on a competitive basis based on criteria in the respective subsection.

(f) WELL DRILLING.—No funds may be used under this section for the purpose of drilling new wells.

SEC. 617. COST SHARING AND PROPOSAL EVALUATION.

(a) FEDERAL SHARE.—The Federal share of costs of projects funded under this subtitle shall be in accordance with section 988 of the Energy Policy Act of 2005.

(b) ORGANIZATION AND ADMINISTRATION OF PROGRAMS.—Programs under this subtitle shall incorporate the following elements:

(1) The Secretary shall coordinate with, and where appropriate may provide funds in furtherance of the purposes of this subtitle to, other Department of Energy research and development programs focused on drilling, subsurface characterization, and other related technologies.

(2) In evaluating proposals, the Secretary shall give priority to proposals that demonstrate clear evidence of employing a systems approach.

(3) The Secretary shall coordinate and consult with the appropriate Federal land management agencies in selecting proposals for funding under this subtitle.

(4) Nothing in this subtitle shall be construed to alter or affect any law relating to the management or protection of Federal lands.

SEC. 618. CENTER FOR GEOTHERMAL TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary shall award to an institution of higher education (or consortium thereof) a grant to establish a Center for Geothermal Technology Transfer (referred to in this section as the ''Center'').

(b) DUTIES.—The Center shall—

(1) serve as an information clearinghouse for the geothermal industry by collecting and disseminating information on best practices in all areas relating to developing and utilizing geothermal resources;

(2) make data collected by the Center available to the public; and

(3) seek opportunities to coordinate efforts and share information with domestic and international partners engaged in research and development of geothermal systems and related technology.

(c) SELECTION CRITERIA.—In awarding the grant under subsection (a) the Secretary shall select an institution of higher education (or consortium thereof) best suited to provide national leadership on geothermal related issues and perform the duties enumerated under subsection (b).

(d) DURATION OF GRANT.—A grant made under subsection (a)—

(1) shall be for an initial period of 5 years; and

(2) may be renewed for additional 5-year periods on the basis of—

(A) satisfactory performance in meeting the duties outlined in subsection (b); and

(B) any other requirements specified by the Secretary.

SEC. 619. GEOPOWERING AMERICA.

The Secretary shall expand the Department of Energy's GeoPowering the West program to extend its geothermal technology transfer activities throughout the entire United States. The program shall be renamed ''GeoPowering America''. The program shall continue to be based in the Department of Energy office in Golden, Colorado.

SEC. 620. EDUCATIONAL PILOT PROGRAM.

The Secretary shall seek to award grant funding, on a competitive basis, to an institution of higher education for a geothermal-powered energy generation facility on the institution's campus. The purpose of the facility shall be to provide electricity and space heating. The facility shall also serve as an educational resource to students in relevant fields of study, and the data generated by the facility shall be available to students and the general public. The total funding award shall not exceed $2,000,000.

SEC. 621. REPORTS.

(a) REPORTS ON ADVANCED USES OF GEOTHERMAL ENERGY.—Not later than 3 years and 5 years after the date of enactment of this Act, the Secretary shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on advanced concepts and technologies to maximize the geothermal resource potential of the United States. The reports shall include—

(1) the use of carbon dioxide as an alternative geofluid with potential carbon sequestration benefits;

(2) mineral recovery from geofluids;

(3) use of geothermal energy to produce hydrogen;

(4) use of geothermal energy to produce biofuels;

(5) use of geothermal heat for oil recovery from oil shales and tar sands; and

(6) other advanced geothermal technologies, including advanced drilling technologies and advanced power conversion technologies.

(b) PROGRESS REPORTS.—(1) Not later than 36 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an interim report describing the progress made under this subtitle. At the end of 60 months, the Secretary shall submit to Congress a report on the results of projects undertaken under this subtitle and other such information the Secretary considers appropriate.

(2) As necessary, the Secretary shall report to the Congress on any legal, regulatory, or other barriers encountered that hinder economic development of these resources, and provide recommendations on legislative or other actions needed to address such impediments.

SEC. 622. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law. To the extent that activities authorized in this subtitle take place in coastal and ocean areas, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, regarding the potential marine environmental impacts and measures to address such impacts.

SEC. 623. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $90,000,000 for each of the fiscal years 2008 through 2012, of which $10,000,000 for each fiscal year shall be for carrying out section 616. There are also authorized to be appropriated to the Secretary for the Intermountain West Geothermal Consortium $5,000,000 for each of the fiscal years 2008 through 2012.

SEC. 624. INTERNATIONAL GEOTHERMAL ENERGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy, in coordination with other appropriate Federal and multilateral agencies (including the United States Agency for International Development) shall support international collaborative efforts to promote the research, development, and deployment of geothermal technologies used to develop hydrothermal and enhanced geothermal system resources, including as partners (as appropriate) the African Rift Geothermal Development Facility, Australia, China, France, the Republic of Iceland, India, Japan, and the United Kingdom.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The Director of the United States Trade and Development Agency may—

(1) encourage participation by United States firms in actions taken to carry out subsection (a); and

(2) provide grants and other financial support for feasibility and resource assessment studies conducted in, or intended to benefit, less developed countries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 625. HIGH COST REGION GEOTHERMAL ENERGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a utility;

(B) an electric cooperative;

(C) a State;

(D) a political subdivision of a State;

(E) an Indian tribe; or

(F) a Native corporation.

(2) HIGH-COST REGION.—The term ''high-cost region'' means a region in which the average cost of electrical power exceeds 150 percent of the national average retail cost, as determined by the Secretary.

(b) PROGRAM.—The Secretary shall use amounts made available to carry out this section to make grants to eligible entities for activities described in subsection (c).

(c) ELIGIBLE ACTIVITIES.—An eligible entity may use grant funds under this section, with respect to a geothermal energy project in a high-cost region, only—

(1) to conduct a feasibility study, including a study of exploration, geochemical testing, geomagnetic surveys, geologic information gathering, baseline environmental studies, well drilling, resource characterization, permitting, and economic analysis;

(2) for design and engineering costs, relating to the project; and

(3) to demonstrate and promote commercial application of technologies related to geothermal energy as part of the project.

(d) COST SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Marine and Hydrokinetic Renewable Energy Technologies

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''Marine and Hydrokinetic Renewable Energy Research and Development Act''.

SEC. 632. DEFINITION.

For purposes of this subtitle, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term ''marine and hydrokinetic renewable energy'' does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish a program of research, development, demonstration, and commercial application to expand marine and hydrokinetic renewable energy production, including programs to—

(1) study and compare existing marine and hydrokinetic renewable energy technologies;

(2) research, develop, and demonstrate marine and hydrokinetic renewable energy systems and technologies;

(3) reduce the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(4) investigate efficient and reliable integration with the utility grid and intermittency issues;

(5) advance wave forecasting technologies;

(6) conduct experimental and numerical modeling for optimization of marine energy conversion devices and arrays;

(7) increase the reliability and survivability of marine and hydrokinetic renewable energy technologies, including development of corrosive-resistant materials;

(8) identify, in conjunction with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, and other Federal agencies as appropriate, the potential environmental impacts, including potential impacts on fisheries and other marine resources, of marine and hydrokinetic renewable

energy technologies, measures to prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(9) identify, in conjunction with the Secretary of the Department in which the United States Coast Guard is operating, acting through the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to prevent adverse impacts on navigation;

(10) develop power measurement standards for marine and hydrokinetic renewable energy;

(11) develop identification standards for marine and hydrokinetic renewable energy devices;

(12) address standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces;

(13) identifying opportunities for cross fertilization and development of economies of scale between other renewable sources and marine and hydrokinetic renewable energy sources; and

(14) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Commerce, acting through the Undersecretary of Commerce for Oceans and Atmosphere, and the Secretary of the Interior, shall provide to the Congress a report that addresses—

(1) the potential environmental impacts, including impacts to fisheries and marine resources, of marine and hydrokinetic renewable energy technologies;

(2) options to prevent adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in identifying and addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

SEC. 634. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

(a) CENTERS.—The Secretary shall award grants to institutions of higher education (or consortia thereof) for the establishment of 1 or more National Marine Renewable Energy Research, Development, and Demonstration Centers. In selecting locations for Centers, the Secretary shall consider sites that meet one of the following criteria:

(1) Hosts an existing marine renewable energy research and development program in coordination with an engineering program at an institution of higher education.

(2) Has proven expertise to support environmental and policy-related issues associated with harnessing of energy in the marine environment.

(3) Has access to and utilizes the marine resources in the Gulf of Mexico, the Atlantic Ocean, or the Pacific Ocean.

The Secretary may give special consideration to historically black colleges and universities and land grant universities that also meet one of these criteria. In establishing criteria for the selection of the Centers, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, on the criteria related to ocean waves, tides, and currents including those for advancing wave forecasting technologies, ocean temperature differences, and studying the compatibility of marine renewable energy technologies and systems with the environment, fisheries, and other marine resources.

(b) PURPOSES.—The Centers shall advance research, development, demonstration, and commercial application of marine renewable energy, and shall serve as an information clearinghouse for the marine renewable energy industry, collecting and disseminating information on best practices in all areas related to developing and managing enhanced marine renewable energy systems resources.

(c) DEMONSTRATION OF NEED.—When applying for a grant under this section, an applicant shall include a description of why Federal support is necessary for the Center, including evidence that the research of the Center will not be conducted in the absence of Federal support.

SEC. 635. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law.

SEC. 636. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $50,000,000 for each of the fiscal years 2008 through 2012, except that no funds shall be appropriated under this section for activities that are receiving funds under section 931(a)(2)(E)(i) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(E)(i)).

Subtitle D—Energy Storage for Transportation and Electric Power

SEC. 641. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the ''United States Energy Storage Competitiveness Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the Energy Storage Advisory Council established under subsection (e).

(2) COMPRESSED AIR ENERGY STORAGE.—The term ''compressed air energy storage'' means, in the case of an electricity grid application, the storage of energy through the compression of air.

(3) ELECTRIC DRIVE VEHICLE.—The term ''electric drive vehicle'' means—

(A) a vehicle that uses an electric motor for all or part of the motive power of the vehicle, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles and rail transportation vehicles; or

(B) mobile equipment that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment.

(4) ISLANDING.—The term ''islanding'' means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(5) FLYWHEEL.—The term ''flywheel'' means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(6) MICROGRID.—The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators and energy storage devices), which as an integrated system can operate in parallel with the utility grid or in an intentional islanding mode.

(7) SELF-HEALING GRID.—The term ''self-healing grid'' means a grid that is capable of automatically anticipating and responding to power system disturbances (including the isolation of failed sections and components), while optimizing the performance and service of the grid to customers.

(8) SPINNING RESERVE SERVICES.—The term ''spinning reserve services'' means a quantity of electric generating capacity in excess of the quantity needed to meet peak electric demand.

(9) ULTRACAPACITOR.—The term ''ultracapacitor'' means an energy storage device that has a power density comparable to a conventional capacitor but is capable of exceeding the energy density of a conventional capacitor by several orders of magnitude.

(c) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(d) COORDINATION.—In carrying out the activities of this section, the Secretary shall coordinate relevant efforts with appropriate Federal agencies, including the Department of Transportation.

(e) ENERGY STORAGE ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(B) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(C) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under subparagraph (A).

(3) MEETINGS.—

(A) IN GENERAL.—The Council shall meet not less than once a year.

(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a meeting of the Council.

(4) PLANS.—No later than 1 year after the date of enactment of this Act and every 5 years thereafter, the Council, in conjunction with the Secretary, shall develop a 5-year plan for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(5) REVIEW.—The Council shall—

(A) assess, every 2 years, the performance of the Department in meeting the goals of the plans developed under paragraph (4); and

(B) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(f) BASIC RESEARCH PROGRAM.—

(1) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, including—

(A) materials design;

(B) materials synthesis and characterization;

(C) electrode-active materials, including electrolytes and bioelectrolytes;

(D) surface and interface dynamics;

(E) modeling and simulation; and

(F) thermal behavior and life degradation mechanisms.

(2) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the energy storage research centers of the Department maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(3) FUNDING.—For activities carried out under this subsection, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.

(g) APPLIED RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct an applied research program on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries and battery systems (including flow batteries);

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems;

(G) thermal management systems; and

(H) hydrogen as an energy storage medium.

(2) FUNDING.—For activities carried out under this subsection, in addition to funding activities at National Laboratories, the Secretary shall provide funds to, and coordinate activities with, a range of stakeholders, including the public, private, and academic sectors.

(h) ENERGY STORAGE RESEARCH CENTERS.—

(1) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(2) PROGRAM MANAGEMENT.—The centers shall be managed by the Under Secretary for Science of the Department.

(3) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(4) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under subsection (e)(4).

(5) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this subsection, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(6) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this subsection.

(7) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under this subsection, that—

(A) if an industrial participant is active in a energy storage research center established under this subsection relating to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, the industrial participant be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses, and royalties on terms that are reasonable, as determined by the Secretary;

(B) if 1 or more industry participants are active in a center, during a 2-year period beginning on the date on which an invention is made—

(i) the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under this subsection; and

(ii) the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under this subsection; and

(C) the new invention be developed under such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under this subsection to advance the capability of the United States to successfully compete in global energy storage markets.

(i) ENERGY STORAGE SYSTEMS DEMONSTRATIONS.—

(1) IN GENERAL.—The Secretary shall carry out a program of new demonstrations of advanced energy storage systems.

(2) SCOPE.—The demonstrations shall—

(A) be regionally diversified; and

(B) expand on the existing technology demonstration program of the Department.

(3) STAKEHOLDERS.—In carrying out the demonstrations, the Secretary shall, to the maximum extent practicable, include the participation of a range of stakeholders, including—

(A) rural electric cooperatives;

(B) investor owned utilities;

(C) municipally owned electric utilities;

(D) energy storage systems manufacturers;

(E) electric drive vehicle manufacturers;

(F) the renewable energy production industry;

(G) State or local energy offices;

(H) the fuel cell industry; and

(I) institutions of higher education.

(4) OBJECTIVES.—Each of the demonstrations shall include 1 or more of the following:

(A) Energy storage to improve the feasibility of microgrids or islanding, or transmission and distribution capability, to improve reliability in rural areas.

(B) Integration of an energy storage system with a self-healing grid.

(C) Use of energy storage to improve security to emergency response infrastructure and ensure availability of emergency backup power for consumers.

(D) Integration with a renewable energy production source, at the source or away from the source.

(E) Use of energy storage to provide ancillary services, such as spinning reserve services, for grid management.

(F) Advancement of power conversion systems to make the systems smarter, more efficient, able to communicate with other inverters, and able to control voltage.

(G) Use of energy storage to optimize transmission and distribution operation and power quality, which could address overloaded lines and maintenance of transformers and substations.

(H) Use of advanced energy storage for peak load management of homes, businesses, and the grid.

(I) Use of energy storage devices to store energy during nonpeak generation periods to make better use of existing grid assets.

(j) VEHICLE ENERGY STORAGE DEMONSTRATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of electric drive vehicle energy storage technology demonstrations.

(2) CONSORTIA.—The technology demonstrations shall be conducted through consortia, which may include—

(A) energy storage systems manufacturers and suppliers of the manufacturers;

(B) electric drive vehicle manufacturers;

(C) rural electric cooperatives;

(D) investor owned utilities;

(E) municipal and rural electric utilities;

(F) State and local governments;

(G) metropolitan transportation authorities; and

(H) institutions of higher education.

(3) OBJECTIVES.—The program shall demonstrate 1 or more of the following:

(A) Novel, high capacity, high efficiency energy storage, charging, and control systems, along with the collection of data on performance characteristics, such as battery life, energy storage capacity, and power delivery capacity.

(B) Advanced onboard energy management systems and highly efficient battery cooling systems.

(C) Integration of those systems on a prototype vehicular platform, including with drivetrain systems for passenger, commercial, and nonroad electric drive vehicles.

(D) New technologies and processes that reduce manufacturing costs.

(E) Integration of advanced vehicle technologies with electricity distribution system and smart metering technology.

(F) Control systems that minimize emissions profiles in cases in which clean diesel engines are part of a plug-in hybrid drive system.

(k) SECONDARY APPLICATIONS AND DISPOSAL OF ELECTRIC DRIVE VEHICLE BATTERIES.—The Secretary shall carry out a program of research, development, and demonstration of—

(1) secondary applications of energy storage devices following service in electric drive vehicles; and

(2) technologies and processes for final recycling and disposal of the devices.

(l) COST SHARING.—The Secretary shall carry out the programs established under this section in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(m) MERIT REVIEW OF PROPOSALS.—The Secretary shall carry out the programs established under subsections (i), (j), and (k) in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353).

(n) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall coordinate activities under this section with other programs and laboratories of the Department and other Federal research programs.

(o) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—On the business day that is 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(1) the basic research program under subsection (f) $50,000,000 for each of fiscal years 2009 through 2018;

(2) the applied research program under subsection (g) $80,000,000 for each of fiscal years 2009 through 2018; and;

(3) the energy storage research center program under subsection (h) $100,000,000 for each of fiscal years 2009 through 2018;

(4) the energy storage systems demonstration program under subsection (i) $30,000,000 for each of fiscal years 2009 through 2018;

(5) the vehicle energy storage demonstration program under subsection (j) $30,000,000 for each of fiscal years 2009 through 2018; and

(6) the secondary applications and disposal of electric drive vehicle batteries program under subsection (k) $5,000,000 for each of fiscal years 2009 through 2018.

Subtitle E—Miscellaneous Provisions

SEC. 651. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall establish a program to determine ways in which the weight of motor vehicles could be reduced to improve fuel efficiency without compromising passenger safety by conducting research, development, and demonstration relating to—

(1) the development of new materials (including cast metal composite materials formed by autocombustion synthesis) and material processes that yield a higher strength-to-weight ratio or other properties that reduce vehicle weight; and

(2) reducing the cost of—

(A) lightweight materials (including high-strength steel alloys, aluminum, magnesium, metal composites, and carbon fiber reinforced polymer composites) with the properties required for construction of lighter-weight vehicles; and

(B) materials processing, automated manufacturing, joining, and recycling lightweight materials for high-volume applications.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000 for the period of fiscal years 2008 through 2012.

SEC. 652. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term ''advanced insulation'' means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term ''covered refrigeration unit'' means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; or

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under the demonstration program, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for the period of fiscal years 2009 through 2014.

SEC. 653. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

''(I)(aa) to remove at least 99 percent of sulfur dioxide; or

''(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;''.

SEC. 654. H–PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following new subsection:

''(f) H–PRIZE.—

''(1) PRIZE AUTHORITY.—

''(A) IN GENERAL.—As part of the program under this section, the Secretary shall carry out a program to competitively award cash prizes in conformity with this subsection to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

''(B) ADVERTISING AND SOLICITATION OF COMPETITORS.—

''(i) ADVERTISING.—The Secretary shall widely advertise prize competitions under this subsection to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by socially and economically disadvantaged persons).

''(ii) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition under this subsection by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

''(C) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions under this subsection, subject to the provisions of this subsection (in this subsection referred to as the 'administering entity'). The duties of the administering entity under the agreement shall include—

''(i) advertising prize competitions under this subsection and their results;

''(ii) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this subsection;

''(iii) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions under this subsection, based on goals provided by the Secretary;

''(iv) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded under this subsection, subject to the final approval of the Secretary with respect to Federal funding;

''(v) providing advice and consultation to the Secretary on the selection of judges in accordance with paragraph (2)(D), using criteria developed in consultation with and subject to the final approval of the Secretary; and

''(vi) protecting against the administering entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subsection may be withheld from public disclosure.

''(D) FUNDING SOURCES.—Prizes under this subsection shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subparagraph (C)(ii)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program under this subsection. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

''(E) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subparagraph (B)(ii) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subparagraph (B)(ii) if—

''(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

''(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

''(F) SUNSET.—The authority to announce prize competitions under this subsection shall terminate on September 30, 2018.

''(2) PRIZE CATEGORIES.—

''(A) CATEGORIES.—The Secretary shall establish prizes under this subsection for—

''(i) advancements in technologies, components, or systems related to—

''(I) hydrogen production;

''(II) hydrogen storage;

''(III) hydrogen distribution; and

''(IV) hydrogen utilization;

''(ii) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

''(iii) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

''(B) AWARDS.—

''(i) ADVANCEMENTS.—To the extent permitted under paragraph (1)(E), the prizes authorized under subparagraph (A)(i) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subclauses (I) through (IV) of subparagraph (A)(i) since the submission deadline of the previous prize competition in the same category under subparagraph (A)(i) or the date of enactment of this subsection, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for a prize competition under subparagraph (A)(i), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.

''(ii) PROTOTYPES.—To the extent permitted under paragraph (1)(E), prizes authorized under subparagraph (A)(ii) shall be awarded biennially in alternate years from the prizes authorized under subparagraph (A)(i). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed $4,000,000. If no registered participants meet the objective performance criteria established pursuant to subparagraph (C) for a competition under this clause, the Secretary shall not award a prize.

''(iii) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under paragraph (1)(E), the Secretary shall announce one prize competition authorized under subparagraph (A)(iii) as soon after the date of enactment of this subsection as is practicable. A prize offered under this clause shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by paragraph (1)(B)(ii). The Secretary shall award a prize under this clause only when a registered participant has met the objective criteria established for the prize pursuant to subparagraph (C) and announced pursuant to paragraph (1)(B)(ii). Not more than $10,000,000 in Federal funds may be used for the prize award under this clause. The administering entity shall seek to raise $40,000,000 toward the matching award under this clause.

''(C) CRITERIA.—In establishing the criteria required by this subsection, the Secretary—

''(i) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

''(ii) shall consult with other Federal agencies, including the National Science Foundation; and

''(iii) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

''(D) JUDGES.—For each prize competition under this subsection, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subparagraph (C). Judges for each

prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

''(i) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

''(ii) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

''(3) ELIGIBILITY.—To be eligible to win a prize under this subsection, an individual or entity—

''(A) shall have complied with all the requirements in accordance with the Federal Register notice required under paragraph (1)(B)(ii);

''(B) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

''(C) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

''(4) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this subsection, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this subsection. This paragraph shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subsection.

''(5) LIABILITY.—

''(A) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subsection. The Secretary shall give notice of any waiver required under this subparagraph in the notice required by paragraph (1)(B)(ii). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

''(B) LIABILITY INSURANCE.—

''(i) REQUIREMENTS.—Registered participants in a prize competition under this subsection shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

''(I) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this subsection; and

''(II) the Federal Government for damage or loss to Government property resulting from such an activity.

''(ii) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under clause (i)(I), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities under this subsection.

''(6) REPORT TO CONGRESS.—Not later than 60 days after the awarding of the first prize under this subsection, and annually thereafter, the Secretary shall transmit to the Congress a report that—

''(A) identifies each award recipient;

''(B) describes the technologies developed by each award recipient; and

''(C) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this subsection.

''(7) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—

''(i) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this subsection—

''(I) $20,000,000 for awards described in paragraph (2)(A)(i);

''(II) $20,000,000 for awards described in paragraph (2)(A)(ii); and

''(III) $10,000,000 for the award described in paragraph (2)(A)(iii).

''(ii) ADMINISTRATION.—In addition to the amounts authorized in clause (i), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this subsection.

''(B) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subsection shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subsection permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

''(8) NONSUBSTITUTION.—The programs created under this subsection shall not be considered a substitute for Federal research and development programs.''.

SEC. 655. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the ''PAR Type 38 Halogen Replacement Lamp Prize'') to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(2) PRIZE COMPETITION.—A private source of funding may not participate in the competition for prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) ELIGIBILITY FOR PRIZES.—To be eligible to be awarded a prize under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(h) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services)

shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(i) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

(j) BRIGHT TOMORROW LIGHTING AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Tomorrow Lighting permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 656. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the ''Program''), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under this section, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(i) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should ensure that small businesses engaged in renewable manufacturing be given priority consideration for the assistance awards provided under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

TITLE VII—CARBON CAPTURE AND SEQUESTRATION

Subtitle A—Carbon Capture and Sequestration Research, Development, and Demonstration

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007''.

SEC. 702. CARBON CAPTURE AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) AMENDMENT.—Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

*(1) in the section heading, by striking ''**RESEARCH AND DEVELOPMENT**'' and inserting ''**AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION**'';*

(2) in subsection (a)—

(A) by striking ''research and development'' and inserting ''and sequestration research, development, and demonstration''; and

(B) by striking ''capture technologies on combustion-based systems'' and inserting ''capture and sequestration technologies related to industrial sources of carbon dioxide'';

(3) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geologic formations that will provide information on the cost and feasibility of deployment of sequestration technologies.''; and

(4) by striking subsection (c) and inserting the following:

''(c) PROGRAMMATIC ACTIVITIES.—

''(1) FUNDAMENTAL SCIENCE AND ENGINEERING RESEARCH AND DEVELOPMENT AND DEMONSTRATION SUPPORTING CARBON CAPTURE AND SEQUESTRATION TECHNOLOGIES AND CARBON USE ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and sequester, or use carbon dioxide to lead to an overall reduction of carbon dioxide emissions.

''(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

''(i) development of new or advanced technologies for the capture and sequestration of carbon dioxide;

''(ii) development of new or advanced technologies that reduce the cost and increase the efficacy of advanced compression of carbon dioxide required for the sequestration of carbon dioxide;

''(iii) modeling and simulation of geologic sequestration field demonstrations;

''(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies;

''(v) research and development of new and advanced technologies for carbon use, including recycling and reuse of carbon dioxide; and

''(vi) research and development of new and advanced technologies for the separation of oxygen from air.

''(2) FIELD VALIDATION TESTING ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geologic settings, including—

''(i) operating oil and gas fields;

''(ii) depleted oil and gas fields;

''(iii) unmineable coal seams;

''(iv) deep saline formations;

''(v) deep geologic systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity; and

''(vi) deep geologic systems containing basalt formations.

''(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

''(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

''(ii) to validate modeling of geologic formations;

''(iii) to refine sequestration capacity estimated for particular geologic formations;

''(iv) to determine the fate of carbon dioxide concurrent with and following injection into geologic formations;

''(v) to develop and implement best practices for operations relating to, and monitoring of, carbon dioxide injection and sequestration in geologic formations;

''(vi) to assess and ensure the safety of operations related to geologic sequestration of carbon dioxide;

''(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and sequestration that are funded by the Department of Energy; and

''(viii) to provide information to States, the Environmental Protection Agency, and other appropriate entities to support development of a regulatory framework for commercial-scale sequestration operations that ensure the protection of human health and the environment.

''(3) LARGE-SCALE CARBON DIOXIDE SEQUESTRATION TESTING.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-scale sequestration tests, not including the FutureGen project, for geologic containment of carbon dioxide to collect and validate information on the cost and feasibility of commercial deployment of technologies for geologic containment of carbon dioxide. These 7 tests may include any Regional Partnership projects awarded as of the date of enactment of the Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007.

''(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geologic formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

''(C) SOURCE OF CARBON DIOXIDE FOR LARGE-SCALE SEQUESTRATION TESTS.—In the process of any acquisition of carbon dioxide for sequestration tests under subparagraph (A), the Secretary shall give preference to sources of carbon dioxide from industrial sources. To the extent feasible, the Secretary shall prefer tests that would facilitate the creation of an integrated system of capture, transportation and sequestration of carbon dioxide. The preference provided for under this subparagraph shall not delay the implementation of the large-scale sequestration tests under this paragraph.

''(D) DEFINITION.—For purposes of this paragraph, the term 'large-scale' means the injection of more than 1,000,000 tons of carbon dioxide from industrial sources annually or a scale that demonstrates the ability to inject and sequester several million metric tons of industrial source carbon dioxide for a large number of years.

''(4) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall—

''(A) give preference to proposals from partnerships among industrial, academic, and government entities; and

''(B) require recipients to provide assurances that all laborers and mechanics employed by contractors and subcontractors in the construction, repair, or alteration of new or existing facilities performed in order to carry out a demonstration or commercial application activity authorized under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code, and the Secretary of Labor shall, with respect to the labor standards in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. Appendix) and section 3145 of title 40, United States Code.

''(5) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost sharing requirements of section 988(b).

''(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

''(A) conduct a review of programmatic activities carried out under this subsection; and

''(B) make recommendations with respect to continuation of the activities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $240,000,000 for fiscal year 2008;

''(2) $240,000,000 for fiscal year 2009;

''(3) $240,000,000 for fiscal year 2010;

''(4) $240,000,000 for fiscal year 2011; and

''(5) $240,000,000 for fiscal year 2012.''.

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 963 in the table of contents for the Energy Policy Act of 2005 is amended to read as follows:

''Sec. 963. Carbon capture and sequestration research, development, and demonstration program.''.

SEC. 703. CARBON CAPTURE.

(a) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources. In making awards under this program, the Secretary shall select, as appropriate, a diversity of capture technologies to address the need to capture carbon dioxide from a range of industrial sources.

(2) SCOPE OF AWARD.—Awards under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide from industrial sources;

(B) provides for the transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) PREFERENCES FOR AWARD.—To ensure reduced carbon dioxide emissions, the Secretary shall take necessary actions to provide for the integration of the program under this paragraph with the large-scale carbon dioxide sequestration tests described in section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle. These actions should not delay implementation of these tests. The Secretary shall give priority consideration to projects with the following characteristics:

(A) CAPACITY.—Projects that will capture a high percentage of the carbon dioxide in the treated stream and large volumes of carbon dioxide as determined by the Secretary.

(B) SEQUESTRATION.—Projects that capture carbon dioxide from industrial sources that are near suitable geological reservoirs and could continue sequestration including—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), as amended by this Act; or

(ii) other geologic sequestration projects approved by the Secretary.

(4) REQUIREMENT.—For projects that generate carbon dioxide that is to be sequestered, the carbon dioxide stream shall be of a sufficient purity level to allow for safe transport and sequestration.

(5) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) for research and development projects shall apply to this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 per year for fiscal years 2009 through 2013.

SEC. 704. REVIEW OF LARGE-SCALE PROGRAMS.

The Secretary shall enter into an arrangement with the National Academy of Sciences for an independent review and oversight, beginning in 2011, of the programs under section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle, and under section 703 of this subtitle, to ensure that the benefits of such programs are maximized. Not later than January 1, 2012, the Secretary shall transmit to the Congress a report on the results of such review and oversight.

SEC. 705. GEOLOGIC SEQUESTRATION TRAINING AND RESEARCH.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to undertake a study that—

(A) defines an interdisciplinary program in geology, engineering, hydrology, environmental science, and related disciplines that will support the Nation's capability to capture and sequester carbon dioxide from anthropogenic sources;

(B) addresses undergraduate and graduate education, especially to help develop graduate level programs of research and instruction that lead to advanced degrees with emphasis on geologic sequestration science;

(C) develops guidelines for proposals from colleges and universities with substantial capabilities in the required disciplines that seek to implement geologic sequestration science programs that advance the Nation's capacity to address carbon management through geologic sequestration science; and

(D) outlines a budget and recommendations for how much funding will be necessary to establish and carry out the grant program under subsection (b).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Congress a copy of the results of the study provided by the National Academy of Sciences under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection $1,000,000 for fiscal year 2008.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program through which colleges and universities may apply for and receive 4-year grants for—

(A) salary and startup costs for newly designated faculty positions in an integrated geologic carbon sequestration science program; and

(B) internships for graduate students in geologic sequestration science.

(2) RENEWAL.—Grants under this subsection shall be renewable for up to 2 additional 3-year terms, based on performance criteria, established by the National Academy of Sciences study conducted under subsection (a), that include the number of graduates of such programs.

(3) INTERFACE WITH REGIONAL GEOLOGIC CARBON SEQUESTRATION PARTNERSHIPS.—To the greatest extent possible, geologic carbon sequestration science programs supported under this subsection shall interface with the research of the Regional Carbon Sequestration Partnerships operated by the Department to provide internships and practical training in carbon capture and geologic sequestration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection such sums as may be necessary.

SEC. 706. RELATION TO SAFE DRINKING WATER ACT.

The injection and geologic sequestration of carbon dioxide pursuant to this subtitle and the amendments made by this subtitle shall be subject to the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), including the provisions of part C of such Act (42 U.S.C. 300h et seq.; relating to protection of underground sources of drinking water). Nothing in this subtitle and the amendments made by this subtitle imposes or authorizes the promulgation of any requirement that is inconsistent or in conflict with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or regulations thereunder.

SEC. 707. SAFETY RESEARCH.

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall conduct a research program to address public health, safety, and environmental impacts that may be associated with capture, injection, and sequestration of greenhouse gases in geologic reservoirs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $5,000,000 for each fiscal year.

SEC. 708. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with other appropriate agencies, shall

establish a university based research and development program to study carbon capture and sequestration using the various types of coal.

(b) RURAL AND AGRICULTURAL INSTITUTIONS.—The Secretary shall give special consideration to rural or agricultural based institutions in areas that have regional sources of coal and that offer interdisciplinary programs in the area of environmental science to study carbon capture and sequestration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated $10,000,000 to carry out this section.

Subtitle B—Carbon Capture and Sequestration Assessment and Framework

SEC. 711. CARBON DIOXIDE SEQUESTRATION CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term ''assessment'' means the national assessment of onshore capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term ''capacity'' means the portion of a sequestration formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term ''engineered hazard'' includes the location and completion history of any well that could affect potential sequestration.

(4) RISK.—The term ''risk'' includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) SEQUESTRATION FORMATION.—The term ''sequestration formation'' means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential sequestration formations in all States;

(2) the capacity of the potential sequestration formations;

(3) the injectivity of the potential sequestration formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and sequestration of industrial carbon dioxide in potential sequestration formations;

(5) the risk associated with the potential sequestration formations; and

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this section to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining sequestration capacity of carbon dioxide in geological sequestration formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the sequestration of carbon dioxide in geological formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential sequestration sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 712. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term ''adaptation strategy'' means a land use and management strategy that can be used—

(A) to increase the sequestration capabilities of covered greenhouse gases of any ecosystem; or

(B) to reduce the emissions of covered greenhouse gases from any ecosystem.

(2) ASSESSMENT.—The term ''assessment'' means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term ''covered greenhouse gas'' means carbon dioxide, nitrous oxide, and methane gas.

(4) ECOSYSTEM.—The term ''ecosystem'' means any terrestrial, freshwater aquatic, or coastal ecosystem, including an estuary.

(5) NATIVE PLANT SPECIES.—The term ''native plant species'' means any noninvasive, naturally occurring plant species within an ecosystem.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from ecosystems, including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each ecosystem;

(2) estimate the potential for increasing carbon sequestration in natural and managed ecosystems through management activities or restoration activities in each ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each ecosystem;

(B) to reduce emissions of covered greenhouse gases from ecosystems; and

(C) to adapt to climate change; and

(4) estimate the annual carbon sequestration capacity of ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each ecosystem.

(e) CONSULTATION.—

(1) IN GENERAL.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of Agriculture;

(C) the Administrator of the Environmental Protection Agency;

(D) the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere; and

(E) the heads of other relevant agencies.

(2) OCEAN AND COASTAL ECOSYSTEMS.—In carrying out this section with respect to ocean and coastal ecosystems (including estuaries), the Secretary shall work jointly with the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, and quantifying covered greenhouse gas emissions and reductions;

(ii) estimate the total capacity of each ecosystem to sequester carbon; and

(iii) estimate the ability of each ecosystem to reduce emissions of covered greenhouse gases through management practices; and

(B) may employ economic and other systems models, analyses, and estimates, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of the carbon sequestration capacity of relevant ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $20,000,000 for the period of fiscal years 2008 through 2012.

SEC. 713. CARBON DIOXIDE SEQUESTRATION INVENTORY.

Section 354 of the Energy Policy Act of 2005 (42 U.S.C. 15910) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) RECORDS AND INVENTORY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall maintain records on, and an inventory of, the quantity of carbon dioxide stored within Federal mineral leaseholds.''.

SEC. 714. FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on a recommended framework for managing geological carbon sequestration activities on public land.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Recommended criteria for identifying candidate geological sequestration sites in each of the following types of geological settings:

(A) Operating oil and gas fields.

(B) Depleted oil and gas fields.

(C) Unmineable coal seams.

(D) Deep saline formations.

(E) Deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity.

(F) Deep geological systems containing basalt formations.

(G) Coalbeds being used for methane recovery.

(2) A proposed regulatory framework for the leasing of public land or an interest in public land for the long-term geological sequestration of carbon dioxide, which includes an assessment of options to ensure that the United States receives fair market value for the use of public land or an interest in public land for geological sequestration.

(3) A proposed procedure for ensuring that any geological carbon sequestration activities on public land—

(A) provide for public review and comment from all interested persons; and

(B) protect the quality of natural and cultural resources of the public land overlaying a geological sequestration site.

(4) A description of the status of Federal leasehold or Federal mineral estate liability issues related to the geological subsurface trespass of or caused by carbon dioxide stored in public land, including any relevant experience from enhanced oil recovery using carbon dioxide on public land.

(5) Recommendations for additional legislation that may be required to ensure that public land management and leasing laws are adequate to accommodate the long-term geological sequestration of carbon dioxide.

(6) An identification of the legal and regulatory issues specific to carbon dioxide sequestration on land in cases in which title to mineral resources is held by the United States but title to the surface estate is not held by the United States.

(7)(A) An identification of the issues specific to the issuance of pipeline rights-of-way on public land under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for natural or anthropogenic carbon dioxide.

(B) Recommendations for additional legislation that may be required to clarify the appropriate framework for issuing rights-of-way for carbon dioxide pipelines on public land.

(c) CONSULTATION WITH OTHER AGENCIES.—In preparing the report under this section, the Secretary of the Interior shall coordinate with—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy; and

(3) the heads of other appropriate agencies.

(d) COMPLIANCE WITH SAFE DRINKING WATER ACT.—The Secretary shall ensure that all recommendations developed under this section are in compliance with all Federal environmental laws, including the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and regulations under that Act.

TITLE VIII—IMPROVED MANAGEMENT OF ENERGY POLICY

Subtitle A—Management Improvements

SEC. 801. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States during the 10-year period beginning on the date of enactment of this Act;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States during the 10-year period beginning on the date of enactment of this Act.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for—

(A) advertising costs, including—

(i) the purchase of media time and space;

(ii) creative and talent costs;

(iii) testing and evaluation of advertising; and

(iv) evaluation of the effectiveness of the media campaign; and

(B) administrative costs, including operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration of whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 802. ALASKA NATURAL GAS PIPELINE ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

''(h) ADMINISTRATION.—

''(1) PERSONNEL APPOINTMENTS.—

''(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

''(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(2) COMPENSATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

''(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

''(C) ALLOWANCES.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

''(3) TEMPORARY SERVICES.—

''(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

''(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

''(4) FEES, CHARGES, AND COMMISSIONS.—

''(A) IN GENERAL.—With respect to the duties of the Federal Coordinator, as described in this Act, the Federal Coordinator shall have similar authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.''.

SEC. 803. RENEWABLE ENERGY DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term ''Alaska small hydroelectric power'' means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term ''ocean energy'' includes current, wave, and tidal energy.

(B) EXCLUSION.—The term ''ocean energy'' excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 804. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term ''planned refinery outage'' means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term ''planned refinery outage'' does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term ''refined petroleum product'' means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term ''refinery'' means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a refinery outage may nationally or regionally substantially affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any refinery outage that the Administrator determines may nationally or regionally substantially affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authorize the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 805. ASSESSMENT OF RESOURCES.

(a) 5-YEAR PLAN.—

(1) ESTABLISHMENT.—The Administrator of the Energy Information Administration (referred to in this section as the ''Administrator'') shall establish a 5-year plan to enhance the quality and scope of the data collection necessary to ensure the scope, accuracy, and timeliness of the information needed for efficient functioning of energy markets and related financial operations.

(2) REQUIREMENT.—In establishing the plan under paragraph (1), the Administrator shall pay particular attention to—

(A) data series terminated because of budget constraints;

(B) data on demand response;

(C) timely data series of State-level information;

(D) improvements in the area of oil and gas data;

(E) improvements in data on solid byproducts from coal-based energy-producing facilities; and

(F) the ability to meet applicable deadlines under Federal law (including regulations) to provide data required by Congress.

(b) SUBMISSION TO CONGRESS.—The Administrator shall submit to Congress the plan established under subsection (a), including a description of any improvements needed to enhance the ability of the Administrator to collect and process energy information in a manner consistent with the needs of energy markets.

(c) GUIDELINES.—

(1) IN GENERAL.—The Administrator shall—

(A) establish guidelines to ensure the quality, comparability, and scope of State energy data, including data on energy production and consumption by product and sector and renewable and alternative sources, required to provide a comprehensive, accurate energy profile at the State level;

(B) share company-level data collected at the State level with each State involved, in a manner consistent with the legal authorities, confidentiality protections, and stated uses in effect at the time the data were collected, subject to the condition that the State shall agree to reasonable requirements for use of the data, as the Administrator may require;

(C) assess any existing gaps in data obtained and compiled by the Energy Information Administration; and

(D) evaluate the most cost-effective ways to address any data quality and quantity issues in conjunction with State officials.

(2) CONSULTATION.—The Administrator shall consult with State officials and the Federal Energy Regulatory Commission on a regular basis in—

(A) establishing guidelines and determining the scope of State-level data under paragraph (1); and

(B) exploring ways to address data needs and serve data uses.

(d) ASSESSMENT OF STATE DATA NEEDS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress an assessment of State-level data needs, including a plan to address the needs.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to the Administrator, there are authorized to be

appropriated to the Administrator to carry out this section—

(1) $10,000,000 for fiscal year 2008;
(2) $10,000,000 for fiscal year 2009;
(3) $10,000,000 for fiscal year 2010;
(4) $15,000,000 for fiscal year 2011;
(5) $20,000,000 for fiscal year 2012; and
(6) such sums as are necessary for subsequent fiscal years.

SEC. 806. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

SEC. 807. GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.

(a) IN GENERAL.—Not later than January 1, 2012, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall—

(1) complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(2) submit to the the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the assessment.

(b) PERIODIC UPDATES.—At least once every 10 years, the Secretary shall update the national assessment required under this section to support public and private sector decisionmaking.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section—

(1) $15,000,000 for each of fiscal years 2008 through 2012; and

(2) such sums as are necessary for each of fiscal years 2013 through 2022.

Subtitle B—Prohibitions on Market Manipulation and False Information

SEC. 811. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 812. PROHIBITION ON FALSE INFORMATION.

It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) the person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 813. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This subtitle shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this subtitle shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. 814. PENALTIES.

(a) CIVIL PENALTY.—In addition to any penalty applicable under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), any supplier that violates section 811 or 812 shall be punishable by a civil penalty of not more than $1,000,000.

(b) METHOD.—The penalties provided by subsection (a) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(c) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(1) each day of a continuing violation shall be considered a separate violation; and

(2) the court shall take into consideration, among other factors—

(A) the seriousness of the violation; and

(B) the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 815. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this subtitle limits or affects the authority of the Federal Trade Commission to bring an enforcement action or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) ANTITRUST LAW.—Nothing in this subtitle shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subsection, the term ''antitrust laws'' shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(c) STATE LAW.—Nothing in this subtitle preempts any State law.

TITLE IX—INTERNATIONAL ENERGY PROGRAMS

SEC. 901. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works of the Senate, and the Committee on Commerce, Science, and Transportation.

(2) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term ''clean and efficient energy technology'' means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a recipient country, will—

(A) reduce emissions of greenhouse gases; or

(B)(i) increase efficiency of energy production; or

(ii) decrease intensity of energy usage.

(3) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;
(B) methane;
(C) nitrous oxide;
(D) hydrofluorocarbons;
(E) perfluorocarbons; or
(F) sulfur hexafluoride.

Subtitle A—Assistance to Promote Clean and Efficient Energy Technologies in Foreign Countries

SEC. 911. UNITED STATES ASSISTANCE FOR DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Administrator of the United States Agency for International Development shall support policies and programs in developing countries that promote clean and efficient energy technologies—

(1) to produce the necessary market conditions for the private sector delivery of energy and environmental management services;

(2) to create an environment that is conducive to accepting clean and efficient energy technologies that support the overall purpose of reducing greenhouse gas emissions, including—

(A) improving policy, legal, and regulatory frameworks;

(B) increasing institutional abilities to provide energy and environmental management services; and

(C) increasing public awareness and participation in the decision-making of delivering energy and environmental management services; and

(3) to promote the use of American-made clean and efficient energy technologies, products, and energy and environmental management services.

(b) REPORT.—The Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Administrator of the United States Agency for International Development $200,000,000 for each of the fiscal years 2008 through 2012.

SEC. 912. UNITED STATES EXPORTS AND OUTREACH PROGRAMS FOR INDIA, CHINA, AND OTHER COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the United States and Foreign Commercial Service to expand or create a corps of the Foreign Commercial Service officers to promote United States exports in clean and efficient energy technologies and build the capacity of government officials in India, China, and any other country the Secretary of

Commerce determines appropriate, to become more familiar with the available technologies—

(1) by assigning or training Foreign Commercial Service attachés, who have expertise in clean and efficient energy technologies from the United States, to embark on business development and outreach efforts to such countries; and

(2) by deploying the attachés described in paragraph (1) to educate provincial, state, and local government officials in such countries on the variety of United States-based technologies in clean and efficient energy technologies for the purposes of promoting United States exports and reducing global greenhouse gas emissions.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 913. UNITED STATES TRADE MISSIONS TO ENCOURAGE PRIVATE SECTOR TRADE AND INVESTMENT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the International Trade Administration to expand or create trade missions to and from the United States to encourage private sector trade and investment in clean and efficient energy technologies—

(1) by organizing and facilitating trade missions to foreign countries and by matching United States private sector companies with opportunities in foreign markets so that clean and efficient energy technologies can help to combat increases in global greenhouse gas emissions; and

(2) by creating reverse trade missions in which the Department of Commerce facilitates the meeting of foreign private and public sector organizations with private sector companies in the United States for the purpose of showcasing clean and efficient energy technologies in use or in development that could be exported to other countries.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 914. ACTIONS BY OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Overseas Private Investment Corporation should promote greater investment in clean and efficient energy technologies by—

(1) proactively reaching out to United States companies that are interested in investing in clean and efficient energy technologies in countries that are significant contributors to global greenhouse gas emissions;

(2) giving preferential treatment to the evaluation and awarding of projects that involve the investment or utilization of clean and efficient energy technologies; and

(3) providing greater flexibility in supporting projects that involve the investment or utilization of clean and efficient energy technologies, including financing, insurance, and other assistance.

(b) REPORT.—The Overseas Private Investment Corporation shall include in its annual report required under section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a)—

(1) a description of the activities carried out to implement this section; or

(2) if the Corporation did not carry out any activities to implement this section, an explanation of the reasons therefor.

SEC. 915. ACTIONS BY UNITED STATES TRADE AND DEVELOPMENT AGENCY.

(a) ASSISTANCE AUTHORIZED.—The Director of the Trade and Development Agency shall establish or support policies that—

(1) proactively seek opportunities to fund projects that involve the utilization of clean and efficient energy technologies, including in trade capacity building and capital investment projects;

(2) where appropriate, advance the utilization of clean and efficient energy technologies, particularly to countries that have the potential for significant reduction in greenhouse gas emissions; and

(3) recruit and retain individuals with appropriate expertise or experience in clean, renewable, and efficient energy technologies to identify and evaluate opportunities for projects that involve clean and efficient energy technologies and services.

(b) REPORT.—The President shall include in the annual report on the activities of the Trade and Development Agency required under section 661(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(d)) a description of the activities carried out to implement this section.

SEC. 916. DEPLOYMENT OF INTERNATIONAL CLEAN AND EFFICIENT ENERGY TECHNOLOGIES AND INVESTMENT IN GLOBAL ENERGY MARKETS.

(a) TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish a Task Force on International Cooperation for Clean and Efficient Energy Technologies (in this section referred to as the ''Task Force'').

(2) COMPOSITION.—The Task Force shall be composed of representatives, appointed by the head of the respective Federal department or agency, of—

(A) the Council on Environmental Quality;

(B) the Department of Energy;

(C) the Department of Commerce;

(D) the Department of the Treasury;

(E) the Department of State;

(F) the Environmental Protection Agency;

(G) the United States Agency for International Development;

(H) the Export-Import Bank of the United States;

(I) the Overseas Private Investment Corporation:

(J) the Trade and Development Agency;

(K) the Small Business Administration;

(L) the Office of the United States Trade Representative; and

(M) other Federal departments and agencies, as determined by the President.

(3) CHAIRPERSON.—The President shall designate a Chairperson or Co-Chairpersons of the Task Force.

(4) DUTIES.—The Task Force—

(A) shall develop and assist in the implementation of the strategy required under subsection (c); and

(B)(i) shall analyze technology, policy, and market opportunities for the development, demonstration, and deployment of clean and efficient energy technologies on an international basis; and

(ii) shall examine relevant trade, tax, finance, international, and other policy issues to assess which policies, in the United States and in developing countries, would help open markets and improve the export of clean and efficient energy technologies from the United States.

(5) TERMINATION.—The Task Force, including any working group established by the Task Force pursuant to subsection (b), shall terminate 12 years after the date of the enactment of this Act.

(b) WORKING GROUPS.—

(1) ESTABLISHMENT.—The Task Force—

(A) shall establish an Interagency Working Group on the Export of Clean and Efficient Energy Technologies (in this section referred to as the ''Interagency Working Group''); and

(B) may establish other working groups as may be necessary to carry out this section.

(2) COMPOSITION.—The Interagency Working Group shall be composed of—

(A) the Secretary of Energy, the Secretary of Commerce, and the Secretary of State, who shall serve as Co-Chairpersons of the Interagency Working Group; and

(B) other members, as determined by the Chairperson or Co-Chairpersons of the Task Force.

(3) DUTIES.—The Interagency Working Group shall coordinate the resources and relevant programs of the Department of Energy, the Department of Commerce, the Department of State, and other relevant Federal departments and agencies to support the export of clean and efficient energy technologies developed or demonstrated in the United States to other countries and the deployment of such clean and efficient energy technologies in such other countries.

(4) INTERAGENCY CENTER.—The Interagency Working Group—

(A) shall establish an Interagency Center on the Export of Clean and Efficient Energy Technologies (in this section referred to as the ''Interagency Center'') to assist the Interagency Working Group in carrying out its duties required under paragraph (3); and

(B) shall locate the Interagency Center at a site agreed upon by the Co-Chairpersons of the Interagency Working Group, with the approval of Chairperson or Co-Chairpersons of the Task Force.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Task Force shall develop and submit to the President and the appropriate congressional committees a strategy to—

(A) support the development and implementation of programs, policies, and initiatives in developing countries to promote the adoption and deployment of clean and efficient energy technologies, with an emphasis on those developing countries that are expected to experience the most significant growth in energy production and use over the next 20 years;

(B) open and expand clean and efficient energy technology markets and facilitate the export of clean and efficient energy technologies to developing countries, in a manner consistent with United States obligations as member of the World Trade Organization;

(C) integrate into the foreign policy objectives of the United States the promotion of—

(i) the deployment of clean and efficient energy technologies and the reduction of greenhouse gas emissions in developing countries; and

(ii) the export of clean and efficient energy technologies; and

(D) develop financial mechanisms and instruments, including securities that mitigate the political and foreign exchange risks of uses that are consistent with the foreign policy objectives of the United States by combining the private sector market and government enhancements, that—

(i) are cost-effective; and

(ii) facilitate private capital investment in clean and efficient energy technology projects in developing countries.

(2) UPDATES.—Not later than 3 years after the date of submission of the strategy under paragraph (1), and every 3 years thereafter, the Task Force shall update the strategy in accordance with the requirements of paragraph (1).

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of submission of the strategy under subsection (c)(1), and every 3 years thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section for the prior 3-year period.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The update of the strategy required under subsection (c)(2) and a description of the actions taken by the Task Force to assist in the implementation of the strategy.

(B) A description of actions taken by the Task Force to carry out the duties required under subsection (a)(4)(B).

(C) A description of assistance provided under this section.

(D) The results of programs, projects, and activities carried out under this section.

(E) A description of priorities for promoting the diffusion and adoption of clean and efficient energy technologies and strategies in developing countries, taking into account economic and security interests of the United States and opportunities for the export of technology of the United States.

(F) Recommendations to the heads of appropriate Federal departments and agencies on methods to streamline Federal programs and policies to improve the role of such Federal departments and agencies in the development, demonstration, and deployment of clean and efficient energy technologies on an international basis.

(G) Strategies to integrate representatives of the private sector and other interested groups on the export and deployment of clean and efficient energy technologies.

(H) A description of programs to disseminate information to the private sector and the public on clean and efficient energy technologies and opportunities to transfer such clean and efficient energy technologies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2020.

SEC. 917. UNITED STATES-ISRAEL ENERGY COOPERATION.

(a) FINDINGS.—Congress finds that—

(1) it is in the highest national security interests of the United States to develop renewable energy sources;

(2) the State of Israel is a steadfast ally of the United States;

(3) the special relationship between the United States and Israel is manifested in a variety of cooperative scientific research and development programs, such as—

(A) the United States-Israel Binational Science Foundation; and

(B) the United States-Israel Binational Industrial Research and Development Foundation;

(4) those programs have made possible many scientific, technological, and commercial breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(5) on February 1, 1996, the Secretary of Energy (referred to in this section as the ''Secretary'') and the Israeli Minister of Energy and Infrastructure signed an agreement to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(6) Israeli scientists and engineers are at the forefront of research and development in the field of renewable energy sources; and

(7) enhanced cooperation between the United States and Israel for the purpose of research and development of renewable energy sources would be in the national interests of both countries.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—In implementing the agreement entitled the ''Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation'', dated February 1, 1996, the Secretary shall establish a grant program in accordance with the requirements of sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353) to support research, development, and commercialization of renewable energy or energy efficiency.

(2) TYPES OF ENERGY.—In carrying out paragraph (1), the Secretary may make grants to promote—

(A) solar energy;

(B) biomass energy;

(C) energy efficiency;

(D) wind energy;

(E) geothermal energy;

(F) wave and tidal energy; and

(G) advanced battery technology.

(3) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if the project of the applicant—

(A) addresses a requirement in the area of improved energy efficiency or renewable energy sources, as determined by the Secretary; and

(B) is a joint venture between—

(i)(I) a for-profit business entity, academic institution, National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or nonprofit entity in the United States; and

(II) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(ii)(I) the Federal Government; and

(II) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for the grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board—

(i) to monitor the method by which grants are awarded under this subsection; and

(ii) to provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of 3 members, to be appointed by the Secretary, of whom—

(i) 1 shall be a representative of the Federal Government;

(ii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(7) REPORT.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(A) a description of the method by which the recipient used the grant funds; and

(B) an evaluation of the level of success of each project funded by the grant.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(c) TERMINATION.—The grant program and the advisory committee established under this section terminate on the date that is 7 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use amounts authorized to be appropriated under section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) to carry out this section.

Subtitle B—International Clean Energy Foundation

SEC. 921. DEFINITIONS.

In this subtitle:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 922(c).

(2) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 922(b).

(3) FOUNDATION.—The term ''Foundation'' means the International Clean Energy Foundation established by section 922(a).

SEC. 922. ESTABLISHMENT AND MANAGEMENT OF FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a foundation to be known as the ''International Clean Energy Foundation'' that shall be responsible for carrying out the provisions of this subtitle. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (c).

(3) INTENT OF CONGRESS.—It is the intent of Congress, in establishing the structure of the Foundation set forth in this subsection, to create an entity that serves the long-term foreign policy and energy security goals of reducing global greenhouse gas emissions.

(b) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board, with the advice and consent of the Senate, and shall be a recognized leader in clean and efficient energy technologies and climate change and shall have experience in energy security, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to, and be under the direct authority of, the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, International Clean Energy Foundation.''.

(C) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(D) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(c) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this subtitle and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Energy (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) four other individuals with relevant experience in matters relating to energy security (such as individuals who represent institutions of energy policy, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President,

by and with the advice and consent of the Senate, of whom—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) ACTING MEMBERS.—A vacancy in the Board may be filled with an appointment of an acting member by the Chairperson of the Board for up to 1 year while a nominee is named and awaits confirmation in accordance with paragraph (3)(B).

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least 1 member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson, who shall call a meeting no less than once a year.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this subtitle at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

SEC. 923. DUTIES OF FOUNDATION.

The Foundation shall—

(1) use the funds authorized by this subtitle to make grants to promote projects outside of the United States that serve as models of how to significantly reduce the emissions of global greenhouse gases through clean and efficient energy technologies, processes, and services;

(2) seek contributions from foreign governments, especially those rich in energy resources such as member countries of the Organization of the Petroleum Exporting Countries, and private organizations to supplement funds made available under this subtitle;

(3) harness global expertise through collaborative partnerships with foreign governments and domestic and foreign private actors, including nongovernmental organizations and private sector companies, by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to reduce global greenhouse gas emissions;

(4) create a repository of information on best practices and lessons learned on the utilization and implementation of clean and efficient energy technologies and processes to be used for future initiatives to tackle the climate change crisis;

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this subtitle; and

(6) promote the use of American-made clean and efficient energy technologies, processes, and services by giving preference to entities incorporated in the United States and whose technology will be substantially manufactured in the United States.

SEC. 924. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this subtitle during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 925(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the basis upon which competitive grant proposals were solicited and awarded to nongovernmental institutions and other organizations;

(3) a list of grants made to nongovernmental institutions and other organizations that includes the identity of the institutional recipient, the dollar amount, and the results of the program; and

(4) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 925. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept money, funds, services, or property (real, personal, or mixed), tangible or intangible, made available by gift, bequest grant, or otherwise for the purpose of carrying out the provisions of this title from domestic or foreign private individuals, charities, nongovernmental organizations, corporations, or governments;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this subtitle.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(R) the International Clean Energy Foundation.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 927(a) for a fiscal year, up to $500,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 926. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, no more than 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subtitle, there are authorized to be appropriated $20,000,000 for each of the fiscal years 2009 through 2013.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this subtitle. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this subtitle or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

Subtitle C—Miscellaneous Provisions

SEC. 931. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

(a) STATE DEPARTMENT COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—

(1) IN GENERAL.—The Secretary of State should ensure that energy security is integrated into the core mission of the Department of State.

(2) COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—There is established within the Office of the Secretary of State a Coordinator for International Energy Affairs, who shall be responsible for—

(A) representing the Secretary of State in interagency efforts to develop the international energy policy of the United States;

(B) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department of State;

(C) incorporating energy security priorities into the activities of the Department of State;

(D) coordinating energy activities of the Department of State with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions within the Department of State currently undertaken by offices within—

(i) the Bureau of Economic, Energy and Business Affairs;

(ii) the Bureau of Oceans and International Environmental and Scientific Affairs; and

(iii) other offices within the Department of State.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) ENERGY EXPERTS IN KEY EMBASSIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

(1) a description of the Department of State personnel who are dedicated to energy matters and are stationed at embassies and consulates in countries that are major energy producers or consumers;

(2) an analysis of the need for Federal energy specialist personnel in United States embassies and other United States diplomatic missions; and

(3) recommendations for increasing energy expertise within United States embassies among foreign service officers and options for assigning to such embassies energy attachés from the National Laboratories or other agencies within the Department of Energy.

(c) ENERGY ADVISORS.—The Secretary of Energy may make appropriate arrangements with the Secretary of State to assign personnel from the Department of Energy or the National Laboratories of the Department of Energy to serve as dedicated advisors on energy matters in embassies of the United States or other United States diplomatic missions.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter for the following 20 years, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

(1) the energy-related activities being conducted by the Department of State, including activities within—

(A) the Bureau of Economic, Energy and Business Affairs;

(B) the Bureau of Oceans and Environmental and Scientific Affairs; and

(C) other offices within the Department of State;

(2) the amount of funds spent on each activity within each office described in paragraph (1); and

(3) the number and qualification of personnel in each embassy (or relevant foreign posting) of the United States whose work is dedicated exclusively to energy matters.

SEC. 932. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) the Secretary of Energy;''.

SEC. 933. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 934. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) the Price-Anderson Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for nuclear incidents that are not covered by the Price-Anderson Act by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, the Price-Anderson Act, and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that does not—

(i) upset settled expectations based on the liability regime established under the Price-Anderson Act; or

(ii) shift to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under the Price-Anderson Act should be used; and

(J) with respect to a nuclear incident outside the United States not covered by the Price-Anderson Act, a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term ''contingent cost'' means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term ''covered incident'' means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term ''covered installation'' means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term ''covered person'' does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term ''nuclear supplier'' means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term ''Price-Anderson incident'' means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term ''United States'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term ''United States'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided under paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided under clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) SAVINGS PROVISION.—Nothing in this paragraph may be construed to limit, modify, extinguish, or otherwise affect any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor Executive Order or regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 935. TRANSPARENCY IN EXTRACTIVE INDUSTRIES RESOURCE PAYMENTS.

(a) PURPOSE.—The purpose of this section is to—

(1) ensure greater United States energy security by combating corruption in the governments of foreign countries that receive revenues from the sale of their natural resources; and

(2) enhance the development of democracy and increase political and economic stability in such resource rich foreign countries.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to increase energy security by promoting anti-corruption initiatives in oil and natural gas rich countries; and

(2) to promote global energy security through promotion of programs such as the Extractive Industries Transparency Initiative (EITI) that seek to instill transparency and accountability into extractive industries resource payments.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should further global energy security and promote democratic development in resource-rich foreign countries by—

(1) encouraging further participation in the EITI by eligible countries and companies; and

(2) promoting the efficacy of the EITI program by ensuring a robust and candid review mechanism.

(d) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Secretary of Energy, shall submit to the appropriate congressional committees a report on progress made in promoting transparency in extractive industries resource payments.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include a detailed description of United States participation in the EITI, bilateral and multilateral diplomatic efforts to further participation in the EITI, and other United States initiatives to strengthen energy security, deter energy kleptocracy, and promote transparency in the extractive industries.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 for the purposes of United States contributions to the Multi-Donor Trust Fund of the EITI.

TITLE X—GREEN JOBS

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Green Jobs Act of 2007''.

SEC. 1002. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

''(e) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

''(1) GRANT PROGRAM.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Green Jobs Act of 2007, the Secretary, in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (2) to achieve the purposes of this subsection.

''(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

''(i) target populations of eligible individuals to be given priority for training and other services shall include—

''(I) workers impacted by national energy and environmental policy;

''(II) individuals in need of updated training related to the energy efficiency and renewable energy industries;

''(III) veterans, or past and present members of reserve components of the Armed Forces;

''(IV) unemployed individuals;

''(V) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency; and

''(VI) formerly incarcerated, adjudicated, nonviolent offenders; and

''(ii) energy efficiency and renewable energy industries eligible to participate in a program under this subsection include—

''(I) the energy-efficient building, construction, and retrofits industries;

''(II) the renewable electric power industry;

''(III) the energy efficient and advanced drive train vehicle industry;

''(IV) the biofuels industry;

''(V) the deconstruction and materials use industries;

''(VI) the energy efficiency assessment industry serving the residential, commercial, or industrial sectors; and

''(VII) manufacturers that produce sustainable products using environmentally sustainable processes and materials.

''(2) ACTIVITIES.—

''(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (1), the Secretary, acting through the Bureau of Labor Statistics, where appropriate, shall collect and analyze labor market data to track workforce trends resulting from energy-related initiatives carried out under this subsection. Activities carried out under this paragraph shall include—

''(i) tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

''(ii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

''(iii) collaborating with State agencies, workforce investments boards, industry, organized labor, and community and nonprofit organizations to disseminate information on successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology;

''(iv) serving as a clearinghouse for best practices in workforce development, job placement, and collaborative training partnerships;

''(v) encouraging the establishment of workforce training initiatives with respect to renewable energy and energy efficiency technologies;

''(vi) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

''(vii) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

''(viii) providing technical assistance and capacity building to national and State energy partnerships, including industry and labor representatives.

''(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

''(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts, and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

''(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit partnership that—

''(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include workforce investment boards, community-based organizations, qualified service and conservation corps, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

''(II) demonstrates—

''(aa) experience in implementing and operating worker skills training and education programs;

''(bb) the ability to identify and involve in training programs carried out under this grant, target populations of individuals who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries; and

''(cc) the ability to help individuals achieve economic self-sufficiency.

''(iii) PRIORITY.—Priority shall be given to partnerships which leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

''(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange information programs that include the implementation of the activities described in clause (ii), in coordination with the one-stop delivery system.

''(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

''(I) The identification of job openings in the renewable energy and energy efficiency sector.

''(II) The administration of skill and aptitude testing and assessment for workers.

''(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

''(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

''(ii) PARTNERSHIPS.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

''(iii) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

''(I) consist of nonprofit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, the workforce investment system, including one-stop career centers, community based organizations, qualified service and conservation corps, community colleges, and other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

''(II) demonstrate experience in implementing and operating worker skills training and education programs; and

''(III) demonstrate the ability to identify and involve in training programs, target populations of workers who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries.

''(iv) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate that activities under the grant—

''(I) meet national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases;

''(II) meet State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

''(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

''(v) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing other appropriate training programs, including apprenticeship and labor management training programs, including such activities referenced in paragraph (3)(A), and implement training programs that lead to the economic self-sufficiency of trainees.

''(E) PATHWAYS OUT OF POVERTY DEMONSTRATION PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants of sufficient size to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency. The Secretary shall give priority to entities that serve individuals in families with income of less than 200 percent of the sufficiency standard for the local areas where the training is conducted that specifies, as defined by the State, or where such standard is not established, the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations. Grants shall be awards to ensure geographic diversity.

''(ii) ELIGIBLE ENTITIES.—To be eligible to receive a grant an entity shall be a partnership that—

''(I) includes community-based nonprofit organizations, educational institutions with expertise in serving low-income adults or youth, public or private employers from the industry sectors described in paragraph (1)(B)(ii), and labor organizations representing workers in such industry sectors;

''(II) demonstrates a record of successful experience in implementing and operating worker skills training and education programs;

''(III) coordinates activities, where appropriate, with the workforce investment system; and

''(IV) demonstrates the ability to recruit individuals for training and to support such individuals to successful completion in training programs carried out under this grant, targeting populations of workers who are or will be engaged in activities related to energy efficiency and renewable energy industries.

''(iii) PRIORITIES.—In awarding grants under this paragraph, the Secretary shall give priority to applicants that—

''(I) target programs to benefit low-income workers, unemployed youth and adults, high school dropouts, or other underserved sectors of the workforce within areas of high poverty;

''(II) ensure that supportive services are integrated with education and training, and delivered by organizations with direct access to and experience with targeted populations;

''(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers;

''(IV) involve employers and labor organizations in the determination of relevant skills and competencies and ensure that the certificates or credentials that result from the training are employer-recognized;

''(V) deliver courses at alternative times (such as evening and weekend programs) and locations most convenient and accessible to participants and link adult remedial education with occupational skills training; and

''(VI) demonstrate substantial experience in administering local, municipal, State, Federal, foundation, or private entity grants.

''(iv) DATA COLLECTION.—Grantees shall collect and report the following information:

''(I) The number of participants.

''(II) The demographic characteristics of participants, including race, gender, age, parenting status, participation in other Federal programs, education and literacy level at entry, significant barriers to employment (such as limited English proficiency, criminal record, addiction or mental health problem requiring treatment, or mental disability).

''(III) The services received by participants, including training, education, and supportive services.

''(IV) The amount of program spending per participant.

''(V) Program completion rates.

''(VI) Factors determined as significantly interfering with program participation or completion.

''(VII) The rate of Job placement and the rate of employment retention after 1 year.

''(VIII) The average wage at placement, including any benefits, and the rate of average wage increase after 1 year.

''(IX) Any post-employment supportive services provided.

The Secretary shall assist grantees in the collection of data under this clause by making available, where practicable, low-cost means of tracking the labor market outcomes of participants, and by providing standardized reporting forms, where appropriate.

''(3) ACTIVITIES.—

''(A) IN GENERAL.—Activities to be carried out under a program authorized by subparagraph (B), (D), or (E) of paragraph (2) shall be coordinated with existing systems or providers, as appropriate. Such activities may include—

''(i) occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(ii) safety and health training;

''(iii) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

''(iv) individual referral and tuition assistance for a community college training program, or any training program leading to an industry-recognized certificate;

''(v) internship programs in fields related to energy efficiency and renewable energy;

''(vi) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(vii) incumbent worker and career ladder training and skill upgrading and retraining;

''(viii) the implementation of transitional jobs strategies; and

''(ix) the provision of supportive services.

''(B) OUTREACH ACTIVITIES.—In addition to the activities authorized under subparagraph (A), activities authorized for programs under subparagraph (E) of paragraph (2) may include the provision of outreach, recruitment, career guidance, and case management services.

''(4) WORKER PROTECTIONS AND NON-DISCRIMINATION REQUIREMENTS.—

''(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

''(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this Act, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

''(5) PERFORMANCE MEASURES.—

''(A) IN GENERAL.—The Secretary shall negotiate and reach agreement with the eligible entities that receive grants and assistance under this section on performance measures for the indicators of performance referred to in subparagraphs (A) and (B) of section 136(b)(2) that will be used to evaluate the performance of the eligible entity in carrying out the activities described in subsection (e)(2). Each performance measure shall consist of such an indicator of performance, and a performance level referred to in subparagraph (B).

''(B) PERFORMANCE LEVELS.—The Secretary shall negotiate and reach agreement with the eligible entity regarding the levels of performance expected to be achieved by the eligible entity on the indicators of performance.

''(6) REPORT.—

''(A) STATUS REPORT.—Not later than 18 months after the date of enactment of the Green Jobs Act of 2007, the Secretary shall transmit a report to the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce on the training program established by this subsection. The report shall include a description of the entities receiving funding and the activities carried out by such entities.

''(B) EVALUATION.—Not later than 3 years after the date of enactment of such Act, the Secretary shall transmit to the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce an assessment of such program and an evaluation of the activities carried out by entities receiving funding from such program.

''(7) DEFINITION.—As used in this subsection, the term 'renewable energy' has the meaning given such term in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $125,000,000 for each fiscal years, of which—

''(A) not to exceed 20 percent of the amount appropriated in each such fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (2)(A) and State labor market information and labor exchange research under paragraph (2)(C), and not more than 2 percent of such amount shall be for the evaluation and report required under paragraph (4);

''(B) 20 percent shall be dedicated to Pathways Out of Poverty Demonstration Programs under paragraph (2)(E); and

''(C) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (2)(B) and State energy training partnership grants under paragraph (2)(D).''.

TITLE XI—ENERGY TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Department of Transportation

SEC. 1101. OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.—

''(1) ESTABLISHMENT.—There is established in the Department an Office of Climate Change and Environment to plan, coordinate, and implement—

''(A) department-wide research, strategies, and actions under the Department's statutory authority to reduce transportation-related energy use and mitigate the effects of climate change; and

''(B) department-wide research strategies and actions to address the impacts of climate change on transportation systems and infrastructure.

''(2) CLEARINGHOUSE.—The Office shall establish a clearinghouse of solutions, including cost-effective congestion reduction approaches, to reduce air pollution and transportation-related energy use and mitigate the effects of climate change.''.

(b) COORDINATION.—The Office of Climate Change and Environment of the Department of Transportation shall coordinate its activities with the United States Global Change Research Program.

(c) TRANSPORTATION SYSTEM'S IMPACT ON CLIMATE CHANGE AND FUEL EFFICIENCY.—

(1) STUDY.—The Office of Climate Change and Environment, in coordination with the Environmental Protection Agency and in consultation with the United States Global Change Research Program, shall conduct a study to examine the impact of the Nation's transportation system on climate change and the fuel efficiency savings and clean air impacts of major transportation projects, to identify solutions to reduce air pollution and transportation-related energy use and mitigate the effects of climate change, and to examine the potential fuel savings that could result from changes in the current transportation system and through the use of intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays, including Web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management systems, and traffic management systems.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the Environmental Protection Agency, shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that contains the results of the study required under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the Office of Climate Change and Environment to carry out its duties under section 102(g) of title 49, United States Code (as amended by this Act), such sums as may be necessary for fiscal years 2008 through 2011.

Subtitle B—Railroads

SEC. 1111. ADVANCED TECHNOLOGY LOCOMOTIVE GRANT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall establish and carry out a pilot program for making grants to railroad carriers (as defined in section 20102 of title 49, United States Code) and State and local governments—

(1) for assistance in purchasing hybrid or other energy-efficient locomotives, including hybrid switch and generator-set locomotives; and

(2) to demonstrate the extent to which such locomotives increase fuel economy, reduce emissions, and lower costs of operation.

(b) LIMITATION.—Notwithstanding subsection (a), no grant under this section may be used to fund the costs of emissions reductions that are mandated under Federal law.

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary of Transportation shall consider—

(1) the level of energy efficiency that would be achieved by the proposed project;

(2) the extent to which the proposed project would assist in commercial deployment of hybrid or other energy-efficient locomotive technologies;

(3) the extent to which the proposed project complements other private or governmental partnership efforts to improve air quality or fuel efficiency in a particular area; and

(4) the extent to which the applicant demonstrates innovative strategies and a financial commitment to increasing energy efficiency and reducing greenhouse gas emissions of its railroad operations.

(d) COMPETITIVE GRANT SELECTION PROCESS.—

(1) APPLICATIONS.—A railroad carrier or State or local government seeking a grant under this section shall submit for approval by the Secretary of Transportation an application for the grant containing such information as the Secretary of Transportation may require.

(2) COMPETITIVE SELECTION.—The Secretary of Transportation shall conduct a national solicitation for applications for grants under this section and shall select grantees on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall not exceed 80 percent of the project cost.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the results of the pilot program carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of the fiscal years 2008 through 2011 to carry out this section. Such funds shall remain available until expended.

SEC. 1112. CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

''CHAPTER 223—CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS

''Sec.

''22301. Capital grants for class II and class III railroads.

''§ 22301. Capital grants for class II and class III railroads

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making capital grants to class II and class III railroads. Such grants shall be for projects in the public interest that—

''(A)(i) rehabilitate, preserve, or improve railroad track (including roadbed, bridges, and related track structures) used primarily for freight transportation;

''(ii) facilitate the continued or greater use of railroad transportation for freight shipments; and

''(iii) reduce the use of less fuel efficient modes of transportation in the transportation of such shipments; and

''(B) demonstrate innovative technologies and advanced research and development that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation.

''(2) PROVISION OF GRANTS.—Grants may be provided under this chapter—

''(A) directly to the class II or class III railroad; or

''(B) with the concurrence of the class II or class III railroad, to a State or local government.

''(3) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

''(4) REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

''(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case-by-case basis consistent with this chapter.

''(c) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

''(d) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

''(e) LABOR STANDARDS.—

''(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the 'Davis-Bacon Act'). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

''(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the subchapter IV of chapter 31 of title 40.

''(f) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the extent to which the program helps promote a reduction in fuel use associated with the transportation of freight and demonstrates innovative technologies that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation. Not later than March 31, 2009, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the study, including any recommendations the Secretary considers appropriate regarding the program.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $50,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.''.

(b) CLERICAL AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

''223. CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS .... 22301''.

Subtitle C—Marine Transportation

SEC. 1121. SHORT SEA TRANSPORTATION INITIATIVE.

(a) IN GENERAL.—Title 46, United States Code, is amended by adding after chapter 555 the following:

''CHAPTER 556—SHORT SEA TRANSPORTATION

''Sec. 55601. Short sea transportation program.
''Sec. 55602. Cargo and shippers.
''Sec. 55603. Interagency coordination.
''Sec. 55604. Research on short sea transportation.
''Sec. 55605. Short sea transportation defined.

''§ 55601. Short sea transportation program

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion.

''(b) PROGRAM ELEMENTS.—The program shall encourage the use of short sea transportation through the development and expansion of—

''(1) documented vessels;

''(2) shipper utilization;

''(3) port and landside infrastructure; and

''(4) marine transportation strategies by State and local governments.

''(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

''(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines that the project may—

''(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

''(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.

''(e) ELEMENTS OF PROGRAM.—For a short sea transportation project designated under this section, the Secretary may—

''(1) promote the development of short sea transportation services;

''(2) coordinate, with ports, State departments of transportation, localities, other public agencies, and the private sector and on the development of landside facilities and infrastructure to support short sea transportation services; and

''(3) develop performance measures for the short sea transportation program.

''(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, shall develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary shall—

''(1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;

''(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in their transportation planning; and

''(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.

''§ 55602. Cargo and shippers

''(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a short sea transportation project designated under section 55601 when practical or available.

''(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of short sea transportation.

''§ 55603. Interagency coordination

''The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of the Environmental Protection Agency and other Federal, State, and local governmental entities and private sector entities.

''§ 55604. Research on short sea transportation

''The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, may conduct research on short sea transportation, regarding—

''(1) the environmental and transportation benefits to be derived from short sea transportation alternatives for other forms of transportation;

''(2) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of short sea transportation and increase the efficiency of intermodal transfers; and

''(3) solutions to impediments to short sea transportation projects designated under section 55601.

''§ 55605. Short sea transportation defined

''In this chapter, the term 'short sea transportation' means the carriage by vessel of cargo—

''(1) that is—

''(A) contained in intermodal cargo containers and loaded by crane on the vessel; or

''(B) loaded on the vessel by means of wheeled technology; and

''(2) that is—

''(A) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

''(B) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle V of such title is amended by inserting after the item relating to chapter 555 the following:

''556. Short Sea Transportation ..... 55601''.

(c) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5, United States Code, does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary of Transportation shall issue final regulations to implement the program under this section.

SEC. 1122. SHORT SEA SHIPPING ELIGIBILITY FOR CAPITAL CONSTRUCTION FUND.

(a) DEFINITION OF QUALIFIED VESSEL.—Section 53501 of title 46, United States Code, is amended—

(1) in paragraph (5)(A)(iii) by striking ''or noncontiguous domestic'' and inserting ''noncontiguous domestic, or short sea transportation trade''; and

(2) by inserting after paragraph (6) the following:

''(7) SHORT SEA TRANSPORTATION TRADE.—The term 'short sea transportation trade' means the carriage by vessel of cargo—

''(A) that is—

''(i) contained in intermodal cargo containers and loaded by crane on the vessel; or

''(ii) loaded on the vessel by means of wheeled technology; and

''(B) that is—

''(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

''(ii) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.''.

(b) ALLOWABLE PURPOSE.—Section 53503(b) of such title is amended by striking ''or noncontiguous domestic trade'' and inserting ''noncontiguous domestic, or short sea transportation trade''.

SEC. 1123. SHORT SEA TRANSPORTATION REPORT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the short sea transportation program established under the amendments made by section 1121. The report shall include a description of the activities conducted under the program, and any recommendations for further legislative or administrative action that the Secretary of Transportation considers appropriate.

Subtitle D—Highways

SEC. 1131. INCREASED FEDERAL SHARE FOR CMAQ PROJECTS.

Section 120(c) of title 23, United States Code, is amended—

(1) in the subsection heading by striking ''FOR CERTAIN SAFETY PROJECTS'';

(2) by striking ''The Federal share'' and inserting the following:

''(1) CERTAIN SAFETY PROJECTS.—The Federal share''; and

(3) by adding at the end the following:

''(2) CMAQ PROJECTS.—The Federal share payable on account of a project or program carried out under section 149 with funds obligated in fiscal year 2008 or 2009, or both, shall be not less than 80 percent and, at the discretion of the State, may be up to 100 percent of the cost thereof.''.

SEC. 1132. DISTRIBUTION OF RESCISSIONS.

(a) IN GENERAL.—Any unobligated balances of amounts that are appropriated from the Highway Trust Fund for a fiscal year, and apportioned under chapter 1 of title 23, United States Code, before, on, or after the date of enactment of this Act and that are rescinded in fiscal year 2008 or fiscal year 2009 shall be distributed by the Secretary of Transportation within each State (as defined in section 101 of such title) among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year.

(b) ADJUSTMENTS.—A State may make adjustments to the distribution of a rescission within the State for a fiscal year under subsection (a) by transferring the amounts to be rescinded among the programs for which funds are apportioned under chapter 1 of title 23, United States Code, for such fiscal year, except that in making such adjustments the State may not rescind from any such program more than 110 percent of the funds to be rescinded from the program for the fiscal year as determined by the Secretary of Transportation under subsection (a).

(c) TREATMENT OF TRANSPORTATION ENHANCEMENT SET-ASIDE AND FUNDS SUBALLOCATED TO SUBSTATE AREAS.—Funds set aside under sections 133(d)(2) and 133(d)(3) of title 23, United States Code, shall be treated as being apportioned under chapter 1 of such title for purposes of subsection (a).

SEC. 1133. SENSE OF CONGRESS REGARDING USE OF COMPLETE STREETS DESIGN TECHNIQUES.

It is the sense of Congress that in constructing new roadways or rehabilitating existing facilities, State and local governments should consider policies designed to accommodate all users, including motorists, pedestrians, cyclists, transit riders, and people of all ages and abilities, in order to—

(1) serve all surface transportation users by creating a more interconnected and intermodal system;

(2) create more viable transportation options; and

(3) facilitate the use of environmentally friendly options, such as public transportation, walking, and bicycling.

TITLE XII—SMALL BUSINESS ENERGY PROGRAMS

SEC. 1201. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'biomass'—

''(aa) means any organic material that is available on a renewable or recurring basis, including—

''(AA) agricultural crops;

''(BB) trees grown for energy production;

''(CC) wood waste and wood residues;

''(DD) plants (including aquatic plants and grasses);

''(EE) residues;

''(FF) fibers;

''(GG) animal wastes and other waste materials; and

''(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

''(bb) does not include—

''(AA) paper that is commonly recycled; or

''(BB) unsegregated solid waste;

''(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(III) the term 'renewable energy system' means a system of energy derived from—

''(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

''(ii) LOANS.—The Administrator may make a loan under the Express Loan Program for the purpose of—

''(I) purchasing a renewable energy system; or

''(II) carrying out an energy efficiency project for a small business concern.''.

SEC. 1202. PILOT PROGRAM FOR REDUCED 7(a) FEES FOR PURCHASE OF ENERGY EFFICIENT TECHNOLOGIES.

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

''(32) LOANS FOR ENERGY EFFICIENT TECHNOLOGIES.—

''(A) DEFINITIONS.—In this paragraph—

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

''(ii) the term 'covered energy efficiency loan' means a loan—

''(I) made under this subsection; and

''(II) the proceeds of which are used to purchase energy efficient designs, equipment, or fixtures, or to reduce the energy consumption of the borrower by 10 percent or more; and

''(iii) the term 'pilot program' means the pilot program established under subparagraph (B)

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

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

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

''(E) FEES.—

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

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

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

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

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

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

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

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

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

''(F) GAO REPORT.—

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

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

''(I) the number of covered energy efficiency loans for which fees were reduced under the pilot program;

''(II) a description of the energy efficiency savings with the pilot program;

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

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

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

SEC. 1203. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

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

(2) the term ''association'' means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term ''disability'' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term ''Efficiency Program'' means the Small Business Energy Efficiency Program established under subsection (c)(1);

(5) the term ''electric utility'' has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(6) the term ''high performance green building'' has the meaning given that term in section 401;

(7) the term ''on-bill financing'' means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(8) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

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

(10) the term ''telecommuting'' means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute;

(11) the term ''Telecommuting Pilot Program'' means the pilot program established under subsection (d)(1)(A); and

(12) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PROGRAM REQUIRED.—The Administrator shall develop and coordinate a Government-wide program, building on the Energy Star for Small Business program, to assist small business concerns in—

(A) becoming more energy efficient;

(B) understanding the cost savings from improved energy efficiency; and

(C) identifying financing options for energy efficiency upgrades.

(3) CONSULTATION AND COOPERATION.—The program required by paragraph (2) shall be developed and coordinated—

(A) in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency; and

(B) in cooperation with any entities the Administrator considers appropriate, such as industry trade associations, industry members, and energy efficiency organizations.

(4) AVAILABILITY OF INFORMATION.—The Administrator shall make available the information and materials developed under the program required by paragraph (2) to—

(A) small business concerns, including smaller design, engineering, and construction firms; and

(B) other Federal programs for energy efficiency, such as the Energy Star for Small Business program.

(5) STRATEGY AND REPORT.—

(A) STRATEGY REQUIRED.—The Administrator shall develop a strategy to educate, encourage, and assist small business concerns in adopting energy efficient building fixtures and equipment.

(B) REPORT.—Not later than December 31, 2008, the Administrator shall submit to Congress a report containing a plan to implement the strategy developed under subparagraph (A).

(c) SMALL BUSINESS SUSTAINABILITY INITIATIVE.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Program to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish;

(v) to the extent not inconsistent with controlling State public utility regulations, act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements;

(vi) provide necessary support to small business concerns to—

(I) evaluate energy efficiency opportunities and opportunities to design or construct high performance green buildings;

(II) evaluate renewable energy sources, such as the use of solar and small wind to supplement power consumption;

(III) secure financing to achieve energy efficiency or to design or construct high performance green buildings; and

(IV) implement energy efficiency projects;

(vii) assist owners of small business concerns with the development and commercialization of clean technology products, goods, services, and processes that use renewable energy sources, dramatically reduce the use of natural resources, and cut or eliminate greenhouse gas emissions through—

(I) technology assessment;

(II) intellectual property;

(III) Small Business Innovation Research submissions under section 9 of the Small Business Act (15 U.S.C. 638);

(IV) strategic alliances;

(V) business model development; and

(VI) preparation for investors; and

(viii) help small business concerns improve environmental performance by shifting to less hazardous materials and reducing waste and emissions, including by providing assistance for small business concerns to adapt the materials they use, the processes they operate, and the products and services they produce.

(B) REPORTS.—Each small business development center participating in the Efficiency Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—From among small business development centers submitting applications to participate in the Efficiency Program, the Administrator—

(A) shall, to the maximum extent practicable, select small business development centers in such a manner so as to promote a nationwide distribution of centers participating in the Efficiency Program; and

(B) may not select more than 1 small business development center in a State to participate in the Efficiency Program.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Program, initiate an evaluation of that program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—To the extent not inconsistent with State law, the Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) IMPLEMENTATION.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to make grants and enter into cooperative agreements to carry out this subsection.

(11) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—The Administrator shall conduct, in not more than 5 of the regions of the

Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees.

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

''(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section relating to SBIR and STTR solicitations by Federal departments and agencies, the Administrator shall—

''(A) ensure that such departments and agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

''(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

''(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal departments and agencies in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this subsection.

''(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this subsection.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'biomass'—

''(i) means any organic material that is available on a renewable or recurring basis, including—

''(I) agricultural crops;

''(II) trees grown for energy production;

''(III) wood waste and wood residues;

''(IV) plants (including aquatic plants and grasses);

''(V) residues;

''(VI) fibers;

''(VII) animal wastes and other waste materials; and

''(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

''(ii) does not include—

''(I) paper that is commonly recycled; or

''(II) unsegregated solid waste;

''(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(C) the term 'renewable energy system' means a system of energy derived from—

''(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(ii) hydrogen derived from biomass or water using an energy source described in clause (i).''.

SEC. 1204. LARGER 504 LOAN LIMITS TO HELP BUSINESS DEVELOP ENERGY EFFICIENT TECHNOLOGIES AND PURCHASES.

(a) ELIGIBILITY FOR ENERGY EFFICIENCY PROJECTS.—Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (G) by striking ''or'' at the end;

(2) in subparagraph (H) by striking the period at the end and inserting a comma;

(3) by inserting after subparagraph (H) the following:

''(I) reduction of energy consumption by at least 10 percent,

''(J) increased use of sustainable design, including designs that reduce the use of greenhouse gas emitting fossil fuels, or low-impact design to produce buildings that reduce the use of non-renewable resources and minimize environmental impact, or

''(K) plant, equipment and process upgrades of renewable energy sources such as the small-scale production of energy for individual buildings or communities consumption, commonly known as micropower, or renewable fuels producers including biodiesel and ethanol producers.''; and

(4) by adding at the end the following: ''In subparagraphs (J) and (K), terms have the meanings given those terms under the Leadership in Energy and Environmental Design (LEED) standard for green building certification, as determined by the Administrator.''.

(b) LOANS FOR PLANT PROJECTS USED FOR ENERGY-EFFICIENT PURPOSES.—Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (ii) by striking ''and'' at the end;

(2) in clause (iii) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) $4,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent; and

''(v) $4,000,000 for each project that generates renewable energy or renewable fuels, such as biodiesel or ethanol production.''.

SEC. 1205. ENERGY SAVING DEBENTURES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

''(k) ENERGY SAVING DEBENTURES.—In addition to any other authority under this Act, a small business investment company licensed in the first fiscal year after the date of enactment of this subsection or any fiscal year thereafter may issue Energy Saving debentures.''.

(b) DEFINITIONS.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (16), by striking ''and'' at the end;

(2) in paragraph (17), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(18) the term 'Energy Saving debenture' means a deferred interest debenture that—

''(A) is issued at a discount;

''(B) has a 5-year maturity or a 10-year maturity;

''(C) requires no interest payment or annual charge for the first 5 years;

''(D) is restricted to Energy Saving qualified investments; and

''(E) is issued at no cost (as defined in section 502 of the Credit Reform Act of 1990) with respect to purchasing and guaranteeing the debenture; and

''(19) the term 'Energy Saving qualified investment' means investment in a small business concern that is primarily engaged in researching, manufacturing, developing, or providing products, goods, or services that reduce the use or consumption of non-renewable energy resources.''.

SEC. 1206. INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.

(a) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(2)) is amended by adding at the end the following:

''(D) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

''(i) IN GENERAL.—Subject to clause (ii), in calculating the outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

''(ii) LIMITATIONS.—

''(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

''(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

''(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.''.

(b) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(4)) is amended by adding at the end the following:

''(E) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

''(i) IN GENERAL.—Subject to clause (ii), in calculating the aggregate outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

''(ii) LIMITATIONS.—

''(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

''(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

''(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.''.

SEC. 1207. RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

''PART C—RENEWABLE FUEL CAPITAL INVESTMENT PILOT PROGRAM

''SEC. 381. DEFINITIONS.

''In this part:

''(1) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

''(2) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company granted final approval under section 384(e), that—

''(A) details the operating plan and investment criteria of the company; and

''(B) requires the company to make investments in smaller enterprises primarily engaged in researching, manufacturing, developing, producing, or bringing to market goods, products, or services that generate or support the production of renewable energy.

''(3) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from resources that are regenerative or that cannot be depleted, including solar, wind, ethanol, and biodiesel fuels.

''(4) RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.—The term 'Renewable Fuel Capital Investment company' means a company—

''(A) that—

''(i) has been granted final approval by the Administrator under section 384(e); and

''(ii) has entered into a participation agreement with the Administrator; or

''(B) that has received conditional approval under section 384(c).

''(5) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

''(6) VENTURE CAPITAL.—The term 'venture capital' means capital in the form of equity capital investments, as that term is defined in section 303(g)(4).

''SEC. 382. PURPOSES.

''The purposes of the Renewable Fuel Capital Investment Program established under this part are—

''(1) to promote the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy by encouraging venture capital investments in smaller enterprises primarily engaged such activities; and

''(2) to establish a venture capital program, with the mission of addressing the unmet equity investment needs of smaller enterprises engaged in researching, developing, manufacturing, producing, and bringing to market goods, products, or services that generate or support the production of renewable energy, to be administered by the Administrator—

''(A) to enter into participation agreements with Renewable Fuel Capital Investment companies;

''(B) to guarantee debentures of Renewable Fuel Capital Investment companies to enable each such company to make venture capital investments in smaller enterprises engaged in the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy; and

''(C) to make grants to Renewable Fuel Investment Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

''SEC. 383. ESTABLISHMENT.

''The Administrator shall establish a Renewable Fuel Capital Investment Program, under which the Administrator may—

''(1) enter into participation agreements for the purposes described in section 382; and

''(2) guarantee the debentures issued by Renewable Fuel Capital Investment companies as provided in section 385.

''SEC. 384. SELECTION OF RENEWABLE FUEL CAPITAL INVESTMENT COMPANIES.

''(a) ELIGIBILITY.—A company is eligible to apply to be designated as a Renewable Fuel Capital Investment company if the company—

''(1) is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

''(2) has a management team with experience in alternative energy financing or relevant venture capital financing; and

''(3) has a primary objective of investment in smaller enterprises that research, manufacture, develop, produce, or bring to market goods, products, or services that generate or support the production of renewable energy.

''(b) APPLICATION.—A company desiring to be designated as a Renewable Fuel Capital Investment company shall submit an application to the Administrator that includes—

''(1) a business plan describing how the company intends to make successful venture capital investments in smaller enterprises primarily engaged in the research, manufacture, development, production, or bringing to market of goods, products, or services that generate or support the production of renewable energy;

''(2) information regarding the relevant venture capital qualifications and general reputation of the management of the company;

''(3) a description of how the company intends to seek to address the unmet capital needs of the smaller enterprises served;

''(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company has employees with appropriate professional licenses or will contract with another entity when the services of such an individual are necessary;

''(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

''(6) a description of whether and to what extent the company meets the criteria under subsection (c)(2) and the objectives of the program established under this part;

''(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the business plan of the company; and

''(8) such other information as the Administrator may require.

''(c) CONDITIONAL APPROVAL.—

''(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall conditionally approve companies to operate as Renewable Fuel Capital Investment companies.

''(2) SELECTION CRITERIA.—In conditionally approving companies under paragraph (1), the Administrator shall consider—

''(A) the likelihood that the company will meet the goal of its business plan;

''(B) the experience and background of the management team of the company;

''(C) the need for venture capital investments in the geographic areas in which the company intends to invest;

''(D) the extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest;

''(E) the likelihood that the company will be able to satisfy the conditions under subsection (d);

''(F) the extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest;

''(G) the strength of the proposal by the company to provide operational assistance under this part as the proposal relates to the ability of the company to meet applicable cash requirements and properly use in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided by employees or contractors; and

''(H) any other factor determined appropriate by the Administrator.

''(3) NATIONWIDE DISTRIBUTION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria under paragraph (2) and shall, to the maximum extent practicable, approve at least one company from each geographic region of the Administration.

''(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—

''(1) IN GENERAL.—The Administrator shall grant each conditionally approved company 2 years to satisfy the requirements of this subsection.

''(2) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than $3,000,000 of private capital or binding capital commitments from 1 or more investors (which shall not be departments or agencies of the Federal Government) who meet criteria established by the Administrator.

''(3) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—

''(A) IN GENERAL.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company shall have binding commitments (for contribution in cash or in-kind)—

''(i) from sources other than the Administration that meet criteria established by the Administrator; and

''(ii) payable or available over a multiyear period determined appropriate by the Administrator (not to exceed 10 years).

''(B) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant has—

''(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in-kind) required under subparagraph (A); and

''(ii) binding commitments in an amount equal to not less than 20 percent of the total amount required under paragraph (A).

''(C) LIMITATION.—The total amount of a in-kind contributions by a company shall be not more than 50 percent of the total contributions by a company.

''(e) FINAL APPROVAL; DESIGNATION.—The Administrator shall, with respect to each applicant conditionally approved under subsection (c)—

''(1) grant final approval to the applicant to operate as a Renewable Fuel Capital Investment company under this part and designate the applicant as such a company, if the applicant—

''(A) satisfies the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

''(B) enters into a participation agreement with the Administrator; or

''(2) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in paragraph (1) of that subsection, revoke the conditional approval granted under that subsection.

''SEC. 385. DEBENTURES.

''(a) IN GENERAL.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any Renewable Fuel Capital Investment company.

''(b) TERMS AND CONDITIONS.—The Administrator may make guarantees under this section on such terms and conditions as it determines appropriate, except that—

''(1) the term of any debenture guaranteed under this section shall not exceed 15 years; and

''(2) a debenture guaranteed under this section—

''(A) shall carry no front-end or annual fees;

''(B) shall be issued at a discount;

''(C) shall require no interest payments during the 5-year period beginning on the date the debenture is issued;

''(D) shall be prepayable without penalty after the end of the 1-year period beginning on the date the debenture is issued; and

''(E) shall require semiannual interest payments after the period described in subparagraph (C).

''(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

''(d) MAXIMUM GUARANTEE.—

''(1) IN GENERAL.—Under this section, the Administrator may guarantee the debentures issued by a Renewable Fuel Capital Investment company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

''(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than a department or agency of the Federal Government.

''SEC. 386. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

''(a) ISSUANCE.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a Renewable Fuel Capital Investment company and guaranteed by the Administrator under this part, if such certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

''(b) GUARANTEE.—

''(1) IN GENERAL.—The Administrator may, under such terms and conditions as it determines appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

''(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

''(3) PREPAYMENT OR DEFAULT.—If a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

''(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

''(d) FEES.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

''(e) SUBROGATION AND OWNERSHIP RIGHTS.—

''(1) SUBROGATION.—If the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

''(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

''(f) MANAGEMENT AND ADMINISTRATION.—

''(1) REGISTRATION.—The Administrator may provide for a central registration of all trust certificates issued under this section.

''(2) CONTRACTING OF FUNCTIONS.—

''(A) IN GENERAL.—The Administrator may contract with an agent or agents to carry out on behalf of the Administrator the pooling and the central registration functions provided for in this section, including, not withstanding any other provision of law—

''(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

''(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

''(B) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Administrator under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interests of the United States.

''(3) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

''(4) ELECTRONIC REGISTRATION.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

''SEC. 387. FEES.

''(a) IN GENERAL.—Except as provided in section 386(d), the Administrator may charge such fees as it determines appropriate with respect to any guarantee or grant issued under this part, in an amount established annually by the Administrator, as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this part, which amounts shall be paid to and retained by the Administration.

''(b) OFFSET.—The Administrator may, as provided by section 388, offset fees charged and collected under subsection (a).

''SEC. 388. FEE CONTRIBUTION.

''(a) IN GENERAL.—To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the Administrator shall contribute to fees paid by the Renewable Fuel Capital Investment companies under section 387.

''(b) ANNUAL ADJUSTMENT.—Each fee contribution under subsection (a) shall be effective for 1 fiscal year and shall be adjusted as necessary for each fiscal year thereafter to ensure that amounts under subsection (a) are fully used. The fee contribution for a fiscal year shall be based on the outstanding commitments made and the guarantees and grants that the Administrator projects will be made during that fiscal year, given the program level authorized by law for that fiscal year and any other factors that the Administrator determines appropriate.

''SEC. 389. OPERATIONAL ASSISTANCE GRANTS.

''(a) IN GENERAL.—

''(1) AUTHORITY.—The Administrator may make grants to Renewable Fuel Capital Investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

''(2) TERMS.—A grant under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

''(3) GRANT AMOUNT.—The amount of a grant made under this subsection to a Renewable Fuel Capital Investment company shall be equal to the lesser of—

''(A) 10 percent of the resources (in cash or in kind) raised by the company under section 384(d)(2); or

''(B) $1,000,000.

''(4) PRO RATA REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (3), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

''(5) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), upon the request of a company conditionally approved under section 384(c), the Administrator shall make a grant to the company under this subsection.

''(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under this paragraph and does not enter into a participation agreement for final approval, the company shall, subject to controlling Federal law, repay the amount of the grant to the Administrator.

''(C) DEDUCTION OF GRANT TO APPROVED COMPANY.—If a company receives a grant under this paragraph and receives final approval under section 384(e), the Administrator shall deduct the amount of the grant from the total grant amount the company receives for operational assistance.

''(D) AMOUNT OF GRANT.—No company may receive a grant of more than $100,000 under this paragraph.

''(b) SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—The Administrator may make supplemental grants to Renewable Fuel Capital Investment companies and to other entities, as authorized by this part, under such terms as the Administrator may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

''(2) MATCHING REQUIREMENT.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in a cash or in kind), other then those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

''(c) LIMITATION.—None of the assistance made available under this section may be used for any overhead or general and administrative expense of a Renewable Fuel Capital Investment company.

''SEC. 390. BANK PARTICIPATION.

''(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any Renewable Fuel Capital Investment company, or in any entity established to invest solely in Renewable Fuel Capital Investment companies.

''(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

''SEC. 391. FEDERAL FINANCING BANK.

''Notwithstanding section 318, the Federal Financing Bank may acquire a debenture issued by a Renewable Fuel Capital Investment company under this part.

''SEC. 392. REPORTING REQUIREMENT.

''Each Renewable Fuel Capital Investment company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

''(1) information related to the measurement criteria that the company proposed in its program application; and

''(2) in each case in which the company makes, under this part, an investment in, or a loan or a grant to, a business that is not primarily engaged in the research, development, manufacture, or bringing to market or renewable energy sources, a report on the nature, origin, and revenues of the business in which investments are made.

''SEC. 393. EXAMINATIONS.

''(a) IN GENERAL.—Each Renewable Fuel Capital Investment company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Administration in accordance with this section.

''(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

''(c) COSTS.—

''(1) ASSESSMENT.—

''(A) IN GENERAL.—The Administrator may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

''(B) PAYMENT.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

''(2) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Administration.

''SEC. 394. MISCELLANEOUS.

''To the extent such procedures are not inconsistent with the requirements of this part, the Administrator may take such action as set forth in sections 309, 311, 312, and 314 and an officer, director, employee, agent, or other participant in the management or conduct of the affairs of a Renewable Fuel Capital Investment company shall be subject to the requirements of such sections.

''SEC. 395. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

''Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any Renewable Fuel Capital Investment company.

''SEC. 396. REGULATIONS.

''The Administrator may issue such regulations as the Administrator determines necessary to carry out the provisions of this part in accordance with its purposes.

''SEC. 397. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator is authorized to make $15,000,000 in operational assistance grants under section 389 for each of fiscal years 2008 and 2009.

''(b) FUNDS COLLECTED FOR EXAMINATIONS.—Funds deposited under section 393(c)(2) are authorized to be appropriated only for the costs of examinations under section 393 and for the costs of other oversight activities with respect to the program established under this part.

''SEC. 398. TERMINATION.

''The program under this part shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the program under this part.''.

SEC. 1208. STUDY AND REPORT.

The Administrator of the Small Business Administration shall conduct a study of the Renewable Fuel Capital Investment Program under part C of title III of the Small Business Investment Act of 1958, as added by this Act. Not later than 3 years after the date of enactment of this Act, the Administrator shall complete the study under this section and submit to Congress a report regarding the results of the study.

TITLE XIII—SMART GRID

SEC. 1301. STATEMENT OF POLICY ON MODERNIZATION OF ELECTRICITY GRID.

It is the policy of the United States to support the modernization of the Nation's electricity transmission and distribution system to maintain a reliable and secure electricity infrastructure that can meet future demand growth and to achieve each of the following, which together characterize a Smart Grid:

(1) Increased use of digital information and controls technology to improve reliability, security, and efficiency of the electric grid.

(2) Dynamic optimization of grid operations and resources, with full cyber-security.

(3) Deployment and integration of distributed resources and generation, including renewable resources.

(4) Development and incorporation of demand response, demand-side resources, and energy-efficiency resources.

(5) Deployment of ''smart'' technologies (real-time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices) for metering, communications concerning grid operations and status, and distribution automation.

(6) Integration of ''smart'' appliances and consumer devices.

(7) Deployment and integration of advanced electricity storage and peak-shaving technologies, including plug-in electric and hybrid electric vehicles, and thermal-storage air conditioning.

(8) Provision to consumers of timely information and control options.

(9) Development of standards for communication and interoperability of appliances and equipment connected to the electric grid, including the infrastructure serving the grid.

(10) Identification and lowering of unreasonable or unnecessary barriers to adoption of smart grid technologies, practices, and services.

SEC. 1302. SMART GRID SYSTEM REPORT.

The Secretary, acting through the Assistant Secretary of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the ''OEDER'') and through the Smart Grid Task Force established in section 1303, shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, and every two years thereafter, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment. The report shall provide the current status and prospects of smart grid development, including information on technology penetration, communications network capabilities, costs, and obstacles. It may include recommendations for State and Federal policies or actions helpful to facilitate the transition to a smart grid. To the extent appropriate, it should take a regional perspective. In preparing this report, the Secretary shall solicit advice and contributions from the Smart Grid Advisory Committee created in section 1303; from other involved Federal agencies including but not limited to the Federal Energy Regulatory Commission (''Commission''), the National Institute of Standards and Technology (''Institute''), and the Department of Homeland Security; and from other stakeholder groups not already represented on the Smart Grid Advisory Committee.

SEC. 1303. SMART GRID ADVISORY COMMITTEE AND SMART GRID TASK FORCE.

(a) SMART GRID ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish, within 90 days of enactment of this Part, a Smart Grid Advisory Committee (either as an independent entity or as a designated subpart of a larger advisory committee on electricity matters). The Smart Grid Advisory Committee shall include eight or more members appointed by the Secretary who have sufficient experience and expertise to represent the full range of smart grid technologies and services, to represent both private and non-Federal public sector stakeholders. One member shall be appointed by the Secretary to Chair the Smart Grid Advisory Committee.

(2) MISSION.—The mission of the Smart Grid Advisory Committee shall be to advise the Secretary, the Assistant Secretary, and other relevant Federal officials concerning the development of smart grid technologies, the progress of a national transition to the use of smart-grid technologies and services, the evolution of widely-accepted technical and practical standards and protocols to allow interoperability and inter-communication among smart-grid capable devices, and the optimum means of using Federal incentive authority to encourage such progress.

(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Smart Grid Advisory Committee.

(b) SMART GRID TASK FORCE.—

(1) ESTABLISHMENT.—The Assistant Secretary of the Office of Electricity Delivery and Energy Reliability shall establish, within 90 days of enactment of this Part, a Smart Grid Task Force composed of designated employees from the various divisions of that office who have responsibilities related to the transition to smart-grid technologies and practices. The Assistant Secretary or his designee shall be identified as the Director of the Smart Grid Task Force. The Chairman of the Federal Energy Regulatory Commission and the Director of the National Institute of Standards and Technology shall each designate at least one employee to participate on the Smart Grid Task Force. Other members may come from other agencies at the invitation of the Assistant Secretary or the nomination of the head of such other agency. The Smart Grid Task Force shall, without disrupting the work of the Divisions or Offices from which its members are drawn, provide an identifiable Federal entity to embody the Federal role in the national transition toward development and use of smart grid technologies.

(2) MISSION.—The mission of the Smart Grid Task Force shall be to insure awareness, coordination and integration of the diverse activities of the Office and elsewhere in the Federal government related to smart-grid technologies and practices, including but not limited to: smart grid research and development; development of widely accepted smart-grid standards and protocols; the relationship of smart-grid technologies and practices to electric utility regulation; the relationship of smart-grid technologies and practices to infrastructure development, system reliability and security; and the relationship of smart-grid technologies and practices to other facets of electricity supply, demand, transmission, distribution, and policy. The Smart Grid Task Force shall collaborate with the Smart Grid Advisory Committee and other Federal agencies and offices. The Smart Grid Task Force shall meet at the call of its Director as necessary to accomplish its mission.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section

such sums as are necessary to the Secretary to support the operations of the Smart Grid Advisory Committee and Smart Grid Task Force for each of fiscal years 2008 through 2020.

SEC. 1304. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies, including those concerning communications network capabilities, in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to identify communications network capacity needed to implement advanced technologies.

(6) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(7) to develop algorithms for use in electric transmission system software applications;

(8) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(9) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the ''Initiative'') composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(D) INELIGIBILITY FOR GRANTS.—No person or entity participating in any demonstration project conducted under this subsection shall be eligible for grants under section 1306 for otherwise qualifying investments made as part of that demonstration project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(2) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 1305. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Director of the National Institute of Standards and Technology shall have primary responsibility to coordinate the development of a framework that includes protocols and model standards for information management to achieve interoperability of smart grid devices and systems. Such protocols and standards shall further align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network. In developing such protocols and standards—

(1) the Director shall seek input and cooperation from the Commission, OEDER and its Smart Grid Task Force, the Smart Grid Advisory Committee, other relevant Federal and State agencies; and

(2) the Director shall also solicit input and cooperation from private entities interested in such protocols and standards, including but not limited to the Gridwise Architecture Council, the International Electrical and Electronics Engineers, the National Electric Reliability Organization recognized by the Federal Energy Regulatory Commission, and National Electrical Manufacturer's Association.

(b) SCOPE OF FRAMEWORK.—The framework developed under subsection (a) shall be flexible, uniform and technology neutral, including but not limited to technologies for managing smart grid information, and designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations;

(3) to consider the use of voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and Federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid; and

(4) such voluntary standards should incorporate appropriate manufacturer lead time.

(c) TIMING OF FRAMEWORK DEVELOPMENT.—The Institute shall begin work pursuant to this section within 60 days of enactment. The Institute shall provide and publish an initial report on progress toward recommended or consensus standards and protocols within one year after enactment, further reports at such times as developments warrant in the judgment of the Institute, and a final report when the Institute determines that the work is completed or that a Federal role is no longer necessary.

(d) STANDARDS FOR INTEROPERABILITY IN FEDERAL JURISDICTION.—At any time after the Institute's work has led to sufficient consensus in the Commission's judgment, the Commission shall institute a rulemaking proceeding to adopt such standards and protocols as may be necessary to insure smart-grid functionality and interoperability in interstate transmission of electric power, and regional and wholesale electricity markets.

(e) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section $5,000,000 to the Institute to support the activities required by this subsection for each of fiscal years 2008 through 2012.

SEC. 1306. FEDERAL MATCHING FUND FOR SMART GRID INVESTMENT COSTS.

(a) MATCHING FUND.—The Secretary shall establish a Smart Grid Investment Matching Grant Program to provide reimbursement of one-fifth (20 percent) of qualifying Smart Grid investments.

(b) QUALIFYING INVESTMENTS.—Qualifying Smart Grid investments may include any of the following made on or after the date of enactment of this Act:

(1) In the case of appliances covered for purposes of establishing energy conservation standards under part B of title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291 et seq.), the documented expenditures incurred by a manufacturer of such appliances associated with purchasing or designing, creating the ability to manufacture, and manufacturing and installing for one calendar year, internal devices that allow the appliance to engage in Smart Grid functions.

(2) In the case of specialized electricity-using equipment, including motors and drivers, installed in industrial or commercial applications, the documented expenditures incurred by its owner or its manufacturer of installing devices or modifying that equipment to engage in Smart Grid functions.

(3) In the case of transmission and distribution equipment fitted with monitoring and communications devices to enable smart grid functions, the documented expenditures incurred by the electric utility to purchase and install such monitoring and communications devices.

(4) In the case of metering devices, sensors, control devices, and other devices integrated with and attached to an electric utility system or retail distributor or marketer of electricity that are capable of engaging in Smart Grid functions, the documented expenditures incurred by the electric utility, distributor, or marketer and its customers to purchase and install such devices.

(5) In the case of software that enables devices or computers to engage in Smart Grid functions, the documented purchase costs of the software.

(6) In the case of entities that operate or coordinate operations of regional electric grids, the documented expenditures for purchasing and installing such equipment that allows Smart Grid functions to operate and be combined or coordinated among multiple electric utilities and between that region and other regions.

(7) In the case of persons or entities other than electric utilities owning and operating a

distributed electricity generator, the documented expenditures of enabling that generator to be monitored, controlled, or otherwise integrated into grid operations and electricity flows on the grid utilizing Smart Grid functions.

(8) In the case of electric or hybrid-electric vehicles, the documented expenses for devices that allow the vehicle to engage in Smart Grid functions (but not the costs of electricity storage for the vehicle).

(9) The documented expenditures related to purchasing and implementing Smart Grid functions in such other cases as the Secretary shall identify. In making such grants, the Secretary shall seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.

(c) INVESTMENTS NOT INCLUDED.—Qualifying Smart Grid investments do not include any of the following:

(1) Investments or expenditures for Smart Grid technologies, devices, or equipment that are eligible for specific tax credits or deductions under the Internal Revenue Code, as amended.

(2) Expenditures for electricity generation, transmission, or distribution infrastructure or equipment not directly related to enabling Smart Grid functions.

(3) After the final date for State consideration of the Smart Grid Information Standard under section 1307 (paragraph (17) of section 111(d) of the Public Utility Regulatory Policies Act of 1978), an investment that is not in compliance with such standard.

(4) After the development and publication by the Institute of protocols and model standards for interoperability of smart grid devices and technologies, an investment that fails to incorporate any of such protocols or model standards.

(5) Expenditures for physical interconnection of generators or other devices to the grid except those that are directly related to enabling Smart Grid functions.

(6) Expenditures for ongoing salaries, benefits, or personnel costs not incurred in the initial installation, training, or start up of smart grid functions.

(7) Expenditures for travel, lodging, meals or other personal costs.

(8) Ongoing or routine operation, billing, customer relations, security, and maintenance expenditures.

(9) Such other expenditures that the Secretary determines not to be Qualifying Smart Grid Investments by reason of the lack of the ability to perform Smart Grid functions or lack of direct relationship to Smart Grid functions.

(d) SMART GRID FUNCTIONS.—The term ''smart grid functions'' means any of the following:

(1) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations, to or from or by means of the electric utility system, through one or a combination of devices and technologies.

(2) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations to or from a computer or other control device.

(3) The ability to measure or monitor electricity use as a function of time of day, power quality characteristics such as voltage level, current, cycles per second, or source or type of generation and to store, synthesize or report that information by digital means.

(4) The ability to sense and localize disruptions or changes in power flows on the grid and communicate such information instantaneously and automatically for purposes of enabling automatic protective responses to sustain reliability and security of grid operations.

(5) The ability to detect, prevent, communicate with regard to, respond to, or recover from system security threats, including cyber-security threats and terrorism, using digital information, media, and devices.

(6) The ability of any appliance or machine to respond to such signals, measurements, or communications automatically or in a manner programmed by its owner or operator without independent human intervention.

(7) The ability to use digital information to operate functionalities on the electric utility grid that were previously electro-mechanical or manual.

(8) The ability to use digital controls to manage and modify electricity demand, enable congestion management, assist in voltage control, provide operating reserves, and provide frequency regulation.

(9) Such other functions as the Secretary may identify as being necessary or useful to the operation of a Smart Grid.

(e) The Secretary shall—

(1) establish and publish in the Federal Register, within one year after the enactment of this Act procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fifth of their documented expenditures;

(2) establish procedures to ensure that there is no duplication or multiple reimbursement for the same investment or costs, that the reimbursement goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;

(3) maintain public records of reimbursements made, recipients, and qualifying Smart Grid investments which have received reimbursements;

(4) establish procedures to provide, in cases deemed by the Secretary to be warranted, advance payment of moneys up to the full amount of the projected eventual reimbursement, to creditworthy applicants whose ability to make Qualifying Smart Grid Investments may be hindered by lack of initial capital, in lieu of any later reimbursement for which that applicant qualifies, and subject to full return of the advance payment in the event that the Qualifying Smart Grid investment is not made; and

(5) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the administration of this section and the grants to be made pursuant to this section for fiscal years 2008 through 2012.

SEC. 1307. STATE CONSIDERATION OF SMART GRID.

(a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) CONSIDERATION OF SMART GRID INVESTMENTS.—

''(A) IN GENERAL.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

''(i) total costs;

''(ii) cost-effectiveness;

''(iii) improved reliability;

''(iv) security;

''(v) system performance; and

''(vi) societal benefit.

''(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

''(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

''(17) SMART GRID INFORMATION.—

''(A) STANDARD.—All electricity purchasers shall be provided direct access, in written or electronic machine-readable form as appropriate, to information from their electricity provider as provided in subparagraph (B).

''(B) INFORMATION.—Information provided under this section, to the extent practicable, shall include:

''(i) PRICES.—Purchasers and other interested persons shall be provided with information on—

''(I) time-based electricity prices in the wholesale electricity market; and

''(II) time-based electricity retail prices or rates that are available to the purchasers.

''(ii) USAGE.—Purchasers shall be provided with the number of electricity units, expressed in kwh, purchased by them.

''(iii) INTERVALS AND PROJECTIONS.—Updates of information on prices and usage shall be offered on not less than a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.

''(iv) SOURCES.—Purchasers and other interested persons shall be provided annually with written information on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions associated with each type of generation, for intervals during which such information is available on a cost-effective basis.

''(C) ACCESS.—Purchasers shall be able to access their own information at any time through the internet and on other means of communication elected by that utility for Smart Grid applications. Other interested persons shall be able to access information not specific to any purchaser through the Internet. Information specific to any purchaser shall be provided solely to that purchaser.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding the following at the end thereof:

''(6)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs (17) through (18) of section 111(d).

''(B) Not later than 2 years after the date of the enactment of the this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (17) through (18) of section 111(d).''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding the following at the end:

''In the case of the standards established by paragraphs (16) through (19) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs.''.

(3) PRIOR STATE ACTIONS.—Section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended by inserting ''and paragraphs (17) through (18)'' before ''of section 111(d)''.

SEC. 1308. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

SEC. 1309. DOE STUDY OF SECURITY ATTRIBUTES OF SMART GRID SYSTEMS.

(a) DOE STUDY.—The Secretary shall, within 18 months after the date of enactment of this Act, submit a report to Congress that provides a quantitative assessment and determination of the existing and potential impacts of the deployment of Smart Grid systems on improving the security of the Nation's electricity infrastructure and operating capability. The report shall include but not be limited to specific recommendations on each of the following:

(1) How smart grid systems can help in making the Nation's electricity system less vulnerable to disruptions due to intentional acts against the system.

(2) How smart grid systems can help in restoring the integrity of the Nation's electricity system subsequent to disruptions.

(3) How smart grid systems can facilitate nationwide, interoperable emergency communications and control of the Nation's electricity system during times of localized, regional, or nationwide emergency.

(4) What risks must be taken into account that smart grid systems may, if not carefully created and managed, create vulnerability to security threats of any sort, and how such risks may be mitigated.

(b) CONSULTATION.—The Secretary shall consult with other Federal agencies in the development of the report under this section, including but not limited to the Secretary of Homeland Security, the Federal Energy Regulatory Commission, and the Electric Reliability Organization certified by the Commission under section 215(c) of the Federal Power Act (16 U.S.C. 824o) as added by section 1211 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 941).

TITLE XIV—POOL AND SPA SAFETY

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Virginia Graeme Baker Pool and Spa Safety Act''.

SEC. 1402. FINDINGS.

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 1403. DEFINITIONS.

In this title:

(1) ASME/ANSI.—The term ''ASME/ANSI'' as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) BARRIER.—The term ''barrier'' includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(3) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(4) MAIN DRAIN.—The term ''main drain'' means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(5) SAFETY VACUUM RELEASE SYSTEM.—The term ''safety vacuum release system'' means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(6) SWIMMING POOL; SPA.—The term ''swimming pool'' or ''spa'' means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

(7) UNBLOCKABLE DRAIN.—The term ''unblockable drain'' means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

SEC. 1404. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this title, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover.

(c) PUBLIC POOLS.—

(1) REQUIRED EQUIPMENT.—

(A) IN GENERAL.—Beginning 1 year after the date of enactment of this title—

(i) each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(ii) each public pool and spa in the United States with a single main drain other than an unblockable drain shall be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the requirements of subparagraph (B):

(I) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(II) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(III) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(IV) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(V) DRAIN DISABLEMENT.—A device or system that disables the drain.

(VI) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subclauses (I) through (V) of this clause at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(B) APPLICABLE STANDARDS.—Any device or system described in subparagraph (A)(ii) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(2) PUBLIC POOL AND SPA DEFINED.—In this subsection, the term ''public pool and spa'' means a swimming pool or spa that is—

(A) open to the public generally, whether for a fee or free of charge;

(B) open exclusively to—

(i) members of an organization and their guests;

(ii) residents of a multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area (other than a municipality, township, or other local government jurisdiction); or

(iii) patrons of a hotel or other public accommodations facility; or

(C) operated by the Federal Government (or by a concessionaire on behalf of the Federal Government) for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

(3) ENFORCEMENT.—Violation of paragraph (1) shall be considered to be a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)) and may also be enforced under section 17 of that Act (15 U.S.C. 2066).

SEC. 1405. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this title, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 1406(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 1406; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this title, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this title in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 $2,000,000 to carry out this section, such sums to remain available until expended. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated at the end of fiscal year 2010 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act.

SEC. 1406. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain;

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 1404; and

(v) that periodic notification is provided to owners of residential swimming pools or spas about compliance with the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) NO LIABILITY INFERENCE ASSOCIATED WITH STATE NOTIFICATION REQUIREMENT.—The minimum State law notification requirement under paragraph (1)(A)(v) shall not be construed to imply any liability on the part of a State related to that requirement.

(3) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 1405 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 1405 of this Act.

(4) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled ''Safety Barrier Guidelines for Home Pools'', the Commission's publication entitled ''Guidelines for Entrapment Hazards: Making Pools and Spas Safer'', and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool or spa that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 1407. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 1408. CPSC REPORT.

Not later than 1 year after the last day of each fiscal year for which grants are made under section 1405, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.

TITLE XV—REVENUE PROVISIONS

SEC. 1500. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1501. EXTENSION OF ADDITIONAL 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking ''2007'' in paragraph (1) and inserting ''2008'', and

(2) by striking ''2008'' in paragraph (2) and inserting ''2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2007.

SEC. 1502. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking ''5-year'' and inserting ''7-year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

TITLE XVI—EFFECTIVE DATE

SEC. 1601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 1 day after the date of enactment of this Act.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 877, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Dingell moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to the text of H.R. 6.

The SPEAKER pro tempore. Pursuant to House Resolution 877, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

□ 1200

Mr. DINGELL. Mr. Speaker, at this time, I yield 1 minute to my friend, the distinguished majority leader of the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this is a historic day for the House of Representatives; it's a historic day for the

Dean of the House; it's a historic day for the leadership of this House; and it will be, I think, viewed as a very important day for America and our energy independence and for our effort to keep our environment sustainable.

I want to thank and congratulate the chairman of the Energy and Commerce Committee. I said this when we last considered the bill on this floor; no Member of this body has focused more on energy and energy policy, energy independence, throughout the years than has the chairman of the Energy and Commerce Committee, Mr. DINGELL.

Save for his singular focus on ensuring the health of all Americans and their availability of affordable health care, quality health care, his focus on energy and energy independence and efficient use of energy has been unmatched, and I congratulate him for that.

As he said when this bill passed out of the House, it wasn't the perfect bill. There are many of us in this House who would have hoped that the Senate would not have removed some of the items that were in this bill when it came from the House.

Having said that, Mr. Speaker, this landmark bipartisan legislation, the Energy Independence and Security Act, represents a vital turning point for our Nation and a historic accomplishment for this Congress.

Today, we set a new direction for this country in the area of energy policy. Our Nation's energy policy is inextricably linked to our national security, our economic security, and our environmental well-being.

And, I have long believed that we must summon our national will, resources and ingenuity to make significant gains in technology, conservation, vehicle efficiency, and the use of alternative fuels in order to end our reliance on foreign oil and other important sources of energy. To that extent, this bill was and remains a vital national security interest.

With this legislation, we will move toward real energy independence that results in a stronger economy, more jobs, and healthier communities. The Chairs and ranking members that worked tirelessly to produce this bill are also to be congratulated.

Under the leadership of Chairman DINGELL, as I have said, this bill includes historic fuel economy, renewable fuels, and energy efficiency provisions.

The increase in the fuel efficiency of vehicles to 35 miles per gallon by 2020 is the first in a generation, and is supported by environmentalists and the automobile industry, in no small part because of the work of Chairman DINGELL.

Furthermore, it will result in $22 billion in net annual consumer savings by 2020 and reduce greenhouse gases in an amount equal to taking off the road 28 million of today's average cars and trucks.

Among other things, this bill will reduce our reliance on foreign oil by investing in the production and infrastructure needed to deploy homegrown biofuels. It provides incentives for plug-in hybrid cars. And it includes landmark energy efficiency provisions that will save consumers and businesses at least $300 billion through 2030.

Let no one be mistaken, this bill, while comprehensive, does not represent the totality of our energy policy. There is still much more to do, and we will be about that business.

For example, we should take up legislation to establish a renewable portfolio standard and extend the production tax credit, and do so promptly. We also should continue to work across the aisle and with the Senate to reach further consensus on issues such as the use of renewables, the development of new technologies, and the fiscally responsible extension of needed energy tax provisions.

Mr. Speaker, when we started this session, we started it on a historic note and swore in the first woman Speaker in the history of America, in the history of this House of over 200 years. As she was sworn in, we had literally scores of children who surrounded the Speaker. And she intoned that this would be the ''children's Congress,'' it would be the ''children's Congress,'' and it would look to the future, not the past. And this bill looks to the future of energy use, of energy efficiency, of energy security, and of the health of this tiny globe on which all of us survive and hopefully thrive.

Mr. Speaker, this legislation is a historic turning point in America's energy policy. And I urge all of my colleagues on both sides of the aisle, for our children, for our future, for our security, vote for this historic piece of legislation.

I thank the gentleman for yielding me the time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker and Members of the House, it's interesting how different people can see the same set of circumstances and come to totally different conclusions.

In the last Congress, we passed the Energy Policy Act of 2005 on a bipartisan basis. There were open markups in the House and the Senate. There was an open conference committee that was televised in some cases. We had, I believe, a majority of the Democrats vote for that bill on the House floor, a majority of the Democrats in the Senate, and obviously almost all the Republicans in both bodies. It was the most comprehensive energy bill to be signed into law in probably the last 30 or 40 years.

Many of the things in that bill are going to be undone if and when this bill passes and the President signs it, which he is expected to do so. I understand the consequences of elections. I understand there is a new majority. I do not understand how what made sense 2 years ago doesn't make sense today.

Let's take the issue of fuel economy standards. If there is a crown jewel in this bill, it apparently is that we're going to raise CAFE standards significantly for the first time in 30 years. On the surface, that may appear to be a good thing, but let me point out a few things.

There are over 350 models of automobiles and trucks that are currently available for sale to the American public. There are only eight vehicles that get 35 miles to the gallon. They are the Honda Fit, the Honda Civic, the Honda Civic Hybrid, the Toyota Yaris, both manual and automatic, Toyota Corolla, Toyota Camry Hybrid, and the Toyota Prius. That's it.

Now, let's look at the top eight selling vehicles that the American public have bought so far this year. Number one is the Ford F-series pickup. Number two is the Chevrolet Silverado pickup. Number three is the Toyota Camry, not the Camry Hybrid. Number four is the Dodge Ram pickup. Number five is the Honda Accord. Number six is the Toyota Corolla. Number seven is the Honda Civic. Number eight is the Nissan Altima. Only two or three of those get 35 miles to the gallon.

I will stipulate, as smart as our engineers in Detroit are, it is going to be very, very difficult, if not impossible, for the Ford F-series pickups, the Chevy Silverado and the Dodge Ram pickup to get 35 miles to the gallon by the year 2020.

There are vehicles that meet the standard. Some of those make the top list of sales, but three of the top four do not. I will stipulate by setting the standard at 35 miles to the gallon, will we improve fuel economy? Yes, we will. Will we reach the holy grail of 35 miles per gallon on a fleet average by 2020? If I had to guess, I would bet we'll be back on this floor within the next 10 years providing for an extension of that because I think it's going to be technologically very difficult, if not impossible. And I think economically it's not going to be possible at all.

What the bill before us is is a mandatory conservation bill. Now, conservation in and of itself is a good thing. I won't deny that. But conservation without some supply is a bad thing, and that's what this bill is. We're preempting State and local building codes with Federal building standards for so-called ''green buildings.'' We're mandating 35 billion gallons of alternative fuels that right now the technology simply doesn't exist. Hopefully our engineers and scientists can make that happen, but what if they don't?

We are also basically just changing the way that we operate in a market economy for energy in this country to the government knows the best and the government is going to tell the American people what's best for them, whether the American people like it or not. I think that's a mistake, Mr.

Speaker. And for that reason, I would hope we vote against the bill.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the legislation before us today takes measurable and concrete steps to reduce energy consumption and greenhouse gas emissions. Most importantly, it is a piece of legislation that will be signed into law by the President. And as such, it represents a glimmer of hope that we will be able to get beyond the gridlock that has afflicted us for far too long in far too many areas.

Despite the birth pains of this legislation, and there have been many, it is a good bill. Is it a perfect bill? No. But it is good enough to be supported by the Members. More has to be done, and we will do it. This is, then, a good bill. Its core is a series of requirements that will improve energy efficiency of almost every product and tool and appliance that is used in the United States from light bulbs to light trucks. We are requiring a 40 percent increase in the fuel economy of our motor vehicles, and we are doing it in a way that gives manufacturers the flexibility they need to get the job done while preserving American jobs.

Congress is establishing specific numbers and targets, including new categories of vehicles, in a comprehensive approach to fuel efficiency. Along with the efficiency standards for homes, appliances and lighting, we will be removing from the atmosphere 10 billion tons or more of carbon dioxide from the atmosphere by 2030. That is the equivalent of taking all cars, trucks and planes off the road and out of the skies for 5 years.

This legislation is not the final word on energy security or climate change. We will be needing to do more, and we will. To be specific, I believe that it is possible for us to craft renewable energy requirements for electrical utilities, something which was dropped in the final stages of the bill because of the imperfections of the Senate's work, and a low carbon fuel standard. These are matters we will be addressing next year as we craft comprehensive climate change legislation on which the Committee on Energy and Commerce is now working. But that takes nothing away from today's achievement, which represents solid accomplishment and an essential downpayment towards reducing our dependence on foreign sources of oil and reducing greenhouse emissions.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Rockwall, Texas, Mr. RALPH HALL.

Mr. HALL of Texas. Mr. Speaker, I rise today, of course, in opposition to the Senate amendment to H.R. 6. And as I've said before on many occasions, I think our colleagues on the other side of the aisle have really missed an opportunity to pass energy legislation that would actually do something to produce and enhance supplies of domestic sources of energy.

The bill before us today does absolutely nothing. It doesn't produce a barrel of oil. And I'm from an energy State. Ten of our States are energy States. I don't see how anybody from energy States can vote for a bill that calls itself an energy bill that doesn't produce any energy.

It's really a sad day. But it's not sad for people my age and the people of the average age of this body here. It's sad for those juniors and seniors in high school and those in early college, those that might be called on to go overseas and take energy away from someone when we have plenty right here at home which we could be mining.

It's sad that we're not hitting ANWR. It's sad that we're depending on Saudi Arabia for 40 percent of our energy and 20 percent from other Arab nations when they don't like us and we don't like them and we don't trust them.

This is a bill that will put our children on troop ships to go somewhere to take oil or gas or energy away from countries when we don't have to. We have plenty right here in this country. But we're turning our backs on the young people of this Nation, and we ought to be ashamed for it.

This is a lousy bill. It's a bad energy bill. It should be defeated. It won't be defeated. But I certainly ask everybody to vote against it.

□ 1215

Mr. DINGELL. Mr. Speaker, before I yield to my good friend, the next speaker, I want to say a word of gratitude and praise for our distinguished majority leader who leads us so well. Mr. HOYER is an outstanding Member of this body, and I express my personal gratitude, affection and respect for him.

At this time I yield 3 minutes to the distinguished chairman of the subcommittee, Mr. BOUCHER, who has worked so hard and so diligently on this legislation.

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

Mr. BOUCHER. I thank the gentleman from Michigan for yielding.

Mr. Speaker, I rise in support of the Senate amendment now pending before the House, and I urge its approval by the House. We are poised today to make a landmark advance in national energy policy. By 2020, vehicle fuel economy will increase by 40 percent, reaching 35 miles per gallon when averaging together cars and light trucks.

I want to commend Chairman DINGELL of our Energy and Commerce Committee and the outstanding committee staff who have worked so long and hard in order to bring this advance before the House today in the form of legislation that has a bipartisan base of support and that, in fact, will be signed by the President.

Under our energy efficiency provisions, future greenhouse gas emissions will be lessened by 10 billion tons over the next two decades. In the year 2030 alone, our efficiency provisions will reduce CO_2 emissions by an amount equal to the annual emissions of all of the cars and trucks on America's highways today and the grounding of all airplanes now flying in the United States for a total of 5 years.

We make more than 40 separate energy efficiency improvements. They set new standards for lighting many multiples beyond today's requirements. They set higher standards for future models of an array of consumer products from refrigerators to freezers to dishwashers to clothes washers to residential boilers, electric motors and electric fans. They create a process to capture much of the heat that is wasted today in America's industrial operations, enabling us to generate potentially as much as 60 gigawatts of electricity from that wasted industrial heat; and that could be done without emitting any carbon dioxide beyond what is emitted today.

The bill that we bring to the House creates a Federal support policy in support of a smart grid and electricity demand response leading to the day when homeowners can save money by consuming more electricity at times of lower demand when prices are less and then not consuming electricity during the high peak hours when electricity is considerably more costly. We promote plug-in hybrids and advanced auto batteries to bring closer the day when most transportation in the United States will be electrically powered.

The bill requires a major increase in the use of biofuels, enhancing our energy security and further reducing greenhouse gas emissions.

The measure is a landmark energy achievement, and I strongly encourage its adoption.

Mr. Speaker, I want to commend the Speaker of the House, Ms. PELOSI, who from the day that she took office as our Speaker has strongly encouraged this energy advance. I don't think it would have happened without her strong leadership. And I again want to thank the chairman of the Energy and Commerce Committee for all of the work he has done and the landmark achievements that this bill represents.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I spent 25 years in the retail car business, so I know a little bit about cars and fuel economy. I support this bill because it is an effective compromise that will move us towards less dependence on foreign oil while still allowing manufacturers to build cars and trucks that people will want to buy.

This bill clearly represents Congress's intent for fuel economy standards to be regulated through NHTSA, the National Highway Traffic Safety Administration. Other agencies, like the EPA, may also stake a claim for fuel economy standards. If they do,

it would clearly make no sense for them to establish a different standard than the one being authorized by Congress today. The President said so in an executive order in May, and Congress is saying so today.

Anything any other agency may do must be consistent and harmonized with this act. There can and should be only one national fuel economy standard, and this is it. With this standard, consumers can look forward in the future to cars and trucks with the room and performance that they want, but with the fuel economy and alternative fuels that we need.

Mr. DINGELL. Mr. Speaker, I want to yield the gentleman 30 seconds.

Mr. CAMPBELL of California. Thank you, Mr. Chairman.

Mr. DINGELL. I just want to say a word of gratitude to the gentleman from California for the fine work he has done on this matter and how much the country owes him for his labors on this.

I also want to say a word of praise for both Mr. HILL and Mr. TERRY who have done a superb job in working for a better piece of legislation.

I want the gentleman to be aware of my personal gratitude and appreciation. I think the country also will have reason to thank the gentleman.

Mr. CAMPBELL of California. I thank the chairman very much for those comments. And as I said, I think what we have reached here is an effective compromise. People will be able to buy cars and trucks if they want. But we will also be moving fuel economy forward.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman, my good friend from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the chairman for yielding me this time, and I want to join with my colleagues in thanking him so much for all of his leadership on this legislation, his knowledge of the subject matter, and his ability to work out the intricacies in what may be the longest-standing battle in the Congress, and that is on fuel economies. But he has put together a standard that will work for the consumers, it will for the environment, it will work for the auto industry, and it will work for the people who work in that industry.

And, Mr. DINGELL, I want to thank you for that. I also want to join in thanking the Speaker of the House of Representatives for making this her most important priority for this legislation, to give us an opportunity, this Congress and the American public, to break with the past, to break with the stranglehold of the old way of thinking both about our transportation sector and about our energy sector, to introduce into that sector the competition of alternative energy sources, of renewable energy sources, of efficient automobiles that will change America dramatically.

Whereas, we know, with this legislation, many have said it, by 2030 it will save almost 4 million barrels a day. That is almost the equivalent of the output of this entire Nation. You can keep thinking that you can produce your way out of this problem, but it has shown that we can't. We continue to become more and more reliant on questionable sources of energy, and yet this legislation itself will produce, just the automobile standards will produce half of what we import from the Persian Gulf. This changes that dramatically. You can find oil in conservation. You can find oil in Detroit. Or you can find it in the Persian Gulf. We chose to go in the smart direction, to think about conservation, not only its impact on energy, but on the environment and on the pocketbook of the American public.

Four million barrels of oil a day saved by 2030, five times the output of the Alaska pipeline today, five times. It is like finding money in the street and oil in the street. It doesn't mean we won't continue to produce, but it means we are going to be very smart about oil production in this country and about the use of energy on behalf of this Nation.

I also wanted to mention that we address the jobs that are going to be created by this commitment to renewables, this commitment to alternative energy sources, whether it is in nuclear, whether it is in coal, whether it is in the automobile industry or in the renewables sources, and that was the green jobs bill to provide training and expertise for people in solar panel manufacturing, construction work, and renewable energy and initiatives. Those are very important. Those were reported out of the Committee on Education and Labor and were championed by Congresswoman HILDA SOLIS and by Congressman JOHN TIERNEY on that legislation.

This legislation has a potential to create millions of new jobs in new industries of the future in every geographical sector of America, not just confined to the old centers of manufacturing, but all across this country for new high-skilled jobs for the future.

Mr. BARTON of Texas. I would like to yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I'm not opposed to CAFE. I'm not opposed to fuel efficiency. I'm not opposed to biofuels. But, folks, you are overselling them. We have an energy crisis today, not 5 years from now. OPEC told us last week no more oil, get used to $90 to $100 oil. Today it is $92. Today we have the highest home heating costs ever, the highest diesel costs ever, the highest gasoline costs ever. The poor and middle class of this country are struggling to heat their homes and afford to drive.

Under this bill, foreign dependence will not decrease. It is currently at 66 percent, and for the last 10 years, for the last 10 years, 2 percent a year, dependence, 2 percent a year, folks, it is going to continue for the next 5 because this doesn't produce energy for 5. If this continues, 76 percent of our energy will be foreign dependent.

The gentlemen from Massachusetts and California stated we will save 4 million barrels a day with CAFE and biofuels today combined. Not now. Not in 5 years, but by 2030. That is 23 years. Our increase in energy need from population growth alone will be greater than that. We grew 5 billion barrel a day in the last 25 years in need for oil. This will have no impact for 5 years. Can Americans afford no relief for 5 years? $90 to $100 oil can sink the economy of this country. Every recession has been energy related. This country is on the verge of going into a recession because of energy prices. As we conserve and become more efficient, we must have more energy also, produce the Outer Continental Shelf, Alaska, and the Midwest and lessen our foreign dependence, increase nuclear production of electricity, implement clean coal technology, stimulate the production of fuel and gas from coal.

Our growing need for affordable energy is growing faster than the savings in this bill. America expects more of us. They don't want to wait 5 years: high home heating costs, high driving costs, the chance of their job going abroad. We are going to lose a million or two jobs in this country because we have the highest energy prices in the world. Our natural gas prices are higher than everybody, and clean, green natural gas, which you oppose producing, is the best fuel for America's future to get us by this difficult stage we are in.

Ladies and gentlemen, we need policy that will bring energy to Americans so they can afford to live their lives, so they can maintain the manufacturing and processing jobs, so we can afford to move our goods across this country.

We are in an energy crisis, folks. This bill does not resolve a crisis. It has futuristic things in it. But we are not going to resolve the energy crisis in America. People in America expect more of us, and we should be delivering more.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, today is a historic day for America. This legislation blazes a trail by putting small businesses at the forefront of solving our energy problems. It is clear there is no greater obstacle to our long-term economic growth than the rising costs of energy.

With this bill, we are not only addressing this challenge today, but also for future generations, and leading the effort will be this Nation's entrepreneurs. This legislation will enable small farmers to produce more clean energy. Small businesses already make up 85 percent of the renewable fuels industry, and this ensures they remain

viable in a global economy. The establishment of the Renewable Fuels Capital Investment Company will only increase the number of small firms involved in producing ethanol and biodiesel.

Small manufacturers are also expected to expand their efforts in improving energy conservation. With greater access to capital for developing clean technologies, these firms can use these resources to innovate and create designs to enhance efficiency. When people talk about a green economy and green collar jobs, they talk about small businesses.

Mr. Speaker, these reforms sustain and expand the efforts of small businesses in adding stability to our energy markets. This will be accomplished by reducing energy usage, encouraging conservation and limiting greenhouse gas emissions. The bill before us shows that meeting the needs of our environment doesn't mean we cannot meet the needs of our economy.

In short, Mr. Speaker, I commend the leadership on this important bill, support its immediate passage, and urge the President to sign this into law.

□ 1230

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a member of the Energy and Commerce Committee, the gentlewoman from Nashville, Tennessee, Congresswoman BLACKBURN.

Mrs. BLACKBURN. I thank our ranking member from Texas.

I find it so interesting, Mr. Speaker, that so many of our colleagues refer to this as a historic day. I think, in some regards, it certainly is. Certainly the New York Times regards it as a historic day, and I quote from the New York Times this morning where they say, and I am quoting, ''This is one of the most ambitious dictates ever issued to American business.''

Now, Mr. Speaker, I think that that happens, because in this 805 pages, the 16 titles of this bill, we don't do anything to produce energy, and this is not a bill that is focused on energy independence. But what it does do is pick winners and losers, Mr. Speaker, and that is something that the American people and American business are going to realize very, very quickly.

Now, I also find it interesting, and I think it is historic from another point of view. What has happened to the price of gas at the pump since the majority took control in January? Since that time, it has gone up by over 33 percent, and we know that our families are feeling it more. In January, an average mom in Tennessee's Seventh Congressional District that I have the honor to represent paid about $34 to fill up her 15-gallon tank. Today, she is paying $45. Moving us toward energy independence should be a goal for this Congress, and it is unfortunate, and maybe it could be termed historic, that this is a piece of legislation in 805 pages that is not going to do that.

So we are seeing those prices increase. That mom is going to spend an extra $528 this year in order to fill up that pump. So what we should be doing is focusing on how we best move this Nation to energy independence, how we best achieve that goal, and how we best represent our constituents.

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from Minnesota, the chairman of the Agriculture Committee, my good friend, Mr. PETERSON.

Mr. PETERSON of Minnesota. I thank the gentleman.

First of all, I want to rise to commend Chairman DINGELL for the outstanding work that he did on this legislation. He, once again, produced a good bill that can be signed, as he always does. I also want to commend the Speaker, the rest of our leadership; the Speaker, especially, for her focus, or we wouldn't probably be here today.

As chairman of the Ag Committee, the most important part of this bill is the renewable fuel standard. I want to thank the chairman for putting a 9-billion-gallon standard in for next year on ethanol. We have gotten to the point of 7 billion gallons of production right now. The RFS is 5 billion. In order to keep this industry going, we need this 9-billion RFS next year. So this is going to get us back on track.

We have a 36-billion-gallon number in the overall bill. What this RFS does with the 9 billion for ethanol, and 500 million, up to a billion for biodiesel, it will set the stage for the next generation of ethanol, which is going to be cellulosic, and for new feedstocks for biodiesel.

So when you take this bill and put it together with what we have put in the farm bill, this is going to set the stage for us to be able to produce at least 30 percent of our fuel from agriculture down the road. We are not going to be the total solution to this problem, though we are going to be a big part of the solution, and we are excited about being involved in this process and making this happen.

So this is a historic day. This is going to be a tremendous boost for us in agriculture. We just want to thank the chairman and all the members that worked on this. It's a good piece of legislation, and I encourage my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from the great State of Alaska, former chairman of the Transportation Committee and the Natural Resources Committee, Mr. YOUNG.

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

Mr. YOUNG of Alaska. My friends, it's not very hard to understand why our country is facing an energy crisis; in fact, it's very simple. America needs more oil, gas, coal, nuclear and hydropower. We need more wind power. But Congress has refused to unlock these resources. This bill does nothing to release those resources allowed to provide us with the energy. It concentrates on corn, switchgrass, and a few hybrid cars.

My friends, oil, gas, coal, nuclear and hydropower are the backbone of this country. They supply more than 90 percent of our energy needs to fuel the world's number one economy. I would add that developing them does not raise the price of food, such as corn. There's no shortage of these energy resources in America. There is a shortage of the will to develop them. In fact, the majority leadership of this body, the last two Democrat Presidents and their allies in the environmental movement have created a false energy shortage through their constant attempts to lock up homegrown energy.

Let me give you a few examples. They want to ban all offshore oil and gas development. They oppose U.S. oil production of North America's largest onshore prospect. They stopped oil and shale development in the omnibus spending bill. They opposed coal, and even applauded when President Clinton locked up millions of tons of clean fuel in Utah. They want the tens of trillions of cubic feet of clean-burning natural gas in the Rocky Mountains locked up forever. They oppose nuclear power plants; they, being the majority party. They oppose hydroelectric power. They even want to tear down nonpolluting hydroelectric dams in the Northwest.

They want to impose high taxes on the use of energy, driving energy prices paid by your constituents to even higher than they are today. They even oppose using biomass of overgrown, unhealthy forests as a renewable fuel supply. In particular, the biofuel mandate in this bill is a direction to burn down forests and close more mills in the West.

More than half of Alaska's Federal land, and we have enormous potential for a biofuels industry; this bill stops all of that. This bill will hold Alaska to the highest standards. Alaskans would be forced to purchase the most efficient, read the most expensive, appliances. The residents of the wealthy district in San Francisco have money to buy the most efficient, expensive furnaces and air conditioners, and I would bet most of them are inclined to spend their money on them. Many Alaskans, however, cannot afford to spend the extra $200, $300, $400 for the most efficient furnaces. Under this bill, they will have to. In a survey of 100 Alaskan communities, the average price of gas is $5 a gallon.

The majority leader is playing Russian roulette with the economy. This year, every bill we've passed concerning energy is another bullet in the chamber of a gun staring point-blank at America's head, and by my count, it's already fully loaded.

This is a bad bill. It's a charade. It's a disgrace for this body to vote ''yes'' for this bill. I am urging us to vote ''no.''

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from California, the

chairman of the Committee on Government Reform, my friend, Mr. WAXMAN.

Mr. WAXMAN. Mr. Speaker, I rise in support of this legislation. It's a good bill as far as it goes. It's not the best bill. I know we always hear statements extolling legislation as if it were the best thing since sliced bread. The bill has some very positive features. It will give Americans more fuel-efficient automobiles. That could save families $700 to $1,000 a year, money that won't be going to the Middle East.

The legislation will give Americans more efficient appliances and consumer goods, saving us hundreds of billions of dollars on electricity bills over the next few decades. In the House Oversight Committee, we reported out a provision in this bill that will dramatically improve the efficiency of new and renovated Federal buildings and reduce greenhouse gas emissions associated with energy use.

But this bill did not keep the provision adopted in the House for renewable energy, renewable energy that would have moved us away from burning fossil fuels like natural gas and coal for our electricity. That was taken out of the House bill, and then the Senate put in a provision that would have enormous loan guarantees for nuclear power and the coal industry. So when you look at the balance of what we are doing for renewables, it is minuscule compared to what we are putting in for loan guarantees for nuclear and coal. Now, that is not in this bill, but it is in the omnibus bill, and I am very disappointed in that provision.

I am disappointed that we didn't go further in a lot of other areas, but we are going to have to fight for those in the next year. At this point, I urge my colleagues to support this legislation. I guess it is the best we could do, and it has got some good features in it. On that basis, I will vote for the legislation and urge my colleagues to vote for it as well.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to another distinguished member of the committee, the winning pitcher of the Republican baseball team, the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, legislation is like making sausage. When HENRY WAXMAN and JOHN SHIMKUS come to the floor on an energy bill that we grudgingly will support, that is probably newsworthy in itself.

A couple of things. First, congratulations to Mattoon, Illinois, that has been named as the FutureGen site for the next generation of coal-fired clean emissions plants. I want to put that on the record.

The benefit of this bill is the tax increase is out of this bill. That is a plus. That is less cost to the American consumer. The RFS is out of this bill. That is a plus for the consumer. The RFS was unable to be met and would have been costly to the consumer. The RFS could have been better. It could have been an alternative fuel standard which brought in coal-to-liquid technologies that I have talked numerous times on the floor about, taking coal, using fossil fuels, turning it into clean-burning liquid fuels. That is a fight we will have to bring to the floor another time. And the CAFE language is an acceptable compromise that industry supports.

The world will continue to demand more energy, not less. We have to focus on more supply. That supply comes from coal. It comes from natural gas. It will come from nuclear power. While this bill doesn't measure up to the demands that we need in the future, it is an acceptable start.

With that, I will support the bill, but continue to come to the floor talking about the importance of bringing coal, nuclear and natural gas portfolios to the energy debate; coal-to-liquid technologies, which takes a natural resource; a U.S. refinery to fuel our war machines of the future, whether that is aviation fuel, whether that is diesel fuel; clean-burning technologies that are available today. The majority is going to have to wise up and know there has to be more supply in the energy debate.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland, a member of the committee, my friend Mr. WYNN.

Mr. WYNN. Mr. Speaker, let me begin by saying that I rise in strong support of this measure. I want to thank our chairman, Mr. DINGELL, for his excellent work in what was obviously a long and contentious process. I want to particularly note the work of the subcommittee chairman, Mr. BOUCHER, the gentleman from Virginia. He did an excellent job moving us through this process.

This bill does several very good things. The underlying philosophy, though, is simply this: We all want energy independence. We all want to reduce global warming. But the fundamental thing we have to do here in America is change the way we live. We have to conserve and we have to save, and this bill puts us on the right road to accomplish those two goals.

First, the bill addresses the question of fuel efficiency with a compromise that most people can live with, and that is significant because we drive a lot of cars in this country, and it is important that we get the best fuel economy that we can get.

We also do some very simple things, such as address the question of energy-efficient light bulbs. Everybody uses light bulbs, and we can do better. This bill moves us in that direction and encourages the development of more energy-efficient lighting.

Also, in the course of the hearings conducted by the subcommittee chairman, Mr. BOUCHER, we heard the National Conference of Mayors say that we need a partnership. If we are serious about energy efficiency and all these lofty goals, it is not just a Federal problem. It is a Federal, State and local problem, and they urged us to include a block grant program to help States and cities and counties participate in the issue of energy efficiency.

That language is in this bill. It is called the Energy Efficiency Block Grant Program. It is authorized to the tune of $10 billion. It will allow cities to develop comprehensive programs; towns and counties to develop programs to create energy efficiency, such as programs for homeowners, weatherization programs for seniors, a planning guide for green buildings and more efficiency in planning, traffic flow improvements. All these things could be done through this block grant program.

The bill is good. It leads us in the right direction. I urge its adoption.

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Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Great State of Enchantment, Mr. PEARCE of New Mexico.

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

Mr. PEARCE. Mr. Speaker, once again we are here to vote on the majority's newest No Energy Act, and I stand in opposition to that when America is facing the highest energy costs ever. We are here today with a bill that mandates plenty, but has no new energy.

We are told that today is a turning point, and it absolutely is a turning point. Last night in that first turning point we took 2 trillion barrels of American oil off the market. Instead of closing off American jobs, we should be working to encourage American energy companies to expand their operations building U.S. jobs and cutting back on the money we send to the Middle East.

It is a turning point today if you need the muscle of an SUV or strong pickup. You just aren't going to have that if you are a rancher or maybe in the oil and gas industry or something in the mining industry. It is a turning point for biomass, because we in the West have many Federal lands, but we are restricted from taking off biomass from those Federal lands by this bill today. It is a turning point for conservation, because if you own a 20-room house, 10,000-room mansion like Al Gore does, you might be able to afford the new conservation techniques that are implied and required in this bill. If you are making $25,000 a year, in New Mexico, you probably can't afford that replacement furnace.

Our economy needs an expanded domestic energy supply. We need more clean domestic natural gas; we need to open our lands to renewable energy development, we need to utilize our domestic oil reserves; and we need to develop nuclear energy. And this bill is silent about nuclear energy. We need to make energy more affordable by making the supply greater.

Our largest competitor, China, has made that choice. They are building one new coal plant each week for the next 10 years. We are trying to stop those plants here. It is the most affordable of energy. China has doubled their domestic natural gas supply since 2000. How different would our economy be? This is a bad bill. We should turn this bill down and do what is right for the country.

Mr. DINGELL. Mr. Speaker, at this time I yield to the distinguished member from New Hampshire, the Honorable Ms. SHEA-PORTER, 2 minutes. She is a valuable Member of the body, and we are glad to hear from her.

Ms. SHEA-PORTER. I thank all those who worked so hard to produce this bill.

Last year, the class of 2006 listened as Americans spoke out demanding that we change direction in our energy policy. Americans, regardless of their political affiliation, understood that America was in an energy crisis, that we were too dependent on foreign oil, that we were unable to carry the message of conservation across this land, and that we had very poor gas mileage at a time when the technology has been in existence for many years. So Americans asked Congress to make this change, and we were sent to Washington to do that. And I am standing here today so proud to say that this is the day that we are going to answer Americans' concerns.

We have now passed a bill, or will be passing a bill, that is not one that has everything that we wanted in it, obviously, but we have the direction and we have the energy and we have the resources and we have the plan.

We are increasing the gas mileage. For the first time in over 30 years we are finally increasing our gas mileage. We are reducing our oil dependence on foreign nations. We have been forced to talk to foreign nations for our oil. That is the wrong approach in this country and an unnecessary approach. We are increasing biofuels, which will be our future, and we are growing jobs. This is critical for our economy right now. We are expecting that there will be 3 million new jobs across America because of our green incentive here.

We are increasing our energy efficiency, and we are also convincing the younger generation that conservation is our future, and that our generation is listening to their generation and protecting future Americans. I urge my colleagues to recognize what we have done here and to support every effort of the legislation, and I thank those who brought this to the floor.

Mr. BARTON of Texas. I yield 3 minutes to the distinguished ranking member of the Energy and Air Quality Subcommittee, Mr. UPTON, of the Wolverine State of Michigan.

Mr. UPTON. Mr. Speaker, Mr. WAXMAN lamented on the floor a few minutes ago than this was the best that we could do. I am sorry that I don't agree with that.

By the year 2030, our energy needs are going to grow by more than 50 percent, and none of us, none of us here, none of us in the country are happy with the energy prices or our reliance on foreign oil, and all of us realize that we have to do a lot more. Just because this is the last day or two of the session, to bring up a bill to just say that we tackled the energy issue, I don't think is good enough.

This process was pretty much closed. There were few amendments that were allowed in the process. We had no conference. I can remember serving on the 2005 energy bill conference with Mr. DINGELL and Mr. BARTON, my chairman then, and together we collectively passed bipartisan legislation that we were indeed proud of. But this legislation is not as good as we can do. It is not comprehensive. It doesn't deal with coal, which provides nearly 50 percent of this Nation's energy. It doesn't deal with nuclear power, which today provides 20 percent of our Nation's needs. We know that we are going to need to build probably about another two dozen nuclear facilities by the year 2030 to maintain 20 percent. It does nothing on nuclear.

RPS, the renewable portfolio standard, I think many of us can support that. Maybe not the amendment that passed here in the House that the Senate rejected, but there is room for a compromise here. We can do things on wind and solar. We didn't even have the opportunity on this floor or in committee to really come up with a respectable RPS amendment. Coal-to-liquid, there is a bipartisan bill out there that is led by Mr. BOUCHER and Mr. SHIMKUS, I am a cosponsor, that deals with carbon sequestration. Again, it is not part of this bill.

Mileage standards. No, it is not a perfect provision. We can all support increasing mileage standards. But, again, we missed the opportunity to work together to get a bill that in fact could move this country forward. Biofuels, we have a biofuel mandate here, but we don't have the technology. How are we going to complete the action on this? How wise is that? Mr. Speaker, this bill is, frankly, incomplete.

Now, I am the new ranking member on the Energy and Air Quality Subcommittee, and I would like to think that in the days ahead, the weeks and months ahead, after this bill in the early new year, that Mr. BOUCHER, my chairman in my subcommittee, Mr. DINGELL, the chairman of the full committee, and Mr. BARTON, my great friend and former chairman and now ranking member, can in fact sit down together so that we can work on a comprehensive bill that deals with all of these different issues that we can then bring back on the House floor and bring back a bill that every one of us here can be proud of that will take a giant leap in the right direction, rather than taking a baby step here or there and somehow saying we have passed it, we have got a Band-Aid, it is now done.

Mr. Speaker, we can all do better than this, and I am sorry that this bill is coming to the floor in the shape that it is in.

Mr. DINGELL. Mr. Speaker, at this time I yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) for the purpose of a unanimous consent request.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman. I, because of my representation of the energy capital of the world, Houston, Texas, support this particular legislation, for it makes a new statement about energy.

Mr. Speaker, first and foremost, I think it is imperative that we all agree on the vital importance of America achieving energy independence in the 21st century. We must end our addiction to foreign sources of oil, most of which are found in regions of the world which are unstable and in some cases, opposed to our interests. Accordingly, there is no issue more integral to our economic and national security than energy independence.

The Energy Independence and Security Act is important and multifaceted legislation which will make substantial strides toward energy independence for our Nation, while also encouraging the development of innovative new technologies, creating new jobs, reducing carbon emissions, protecting consumers, shifting production to clean and renewable energy, and modernizing our energy infrastructure.

I would like to begin by commending the Speaker of the House, Ms. PELOSI, for her leadership in introducing this legislation and bringing it to the floor. The bill we have before us today builds upon the New Energy Independence, National Security, and Consumer Protection Act, of which I was a supporter, which passed last summer. This new piece of legislation represents Democrats' commitment to bring a comprehensive new direction to the people of the United States, a new direction which must ensure America's energy independence as well as an America conscious of and working to combat global climate change.

In addition to being from the energy capital of the world, for the past 12 years I have been the chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of energy Braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. My Energy Braintrusts were designed to be a call of action to all of the sectors who comprise the American and international energy industry, to the African American community, and to the Nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet disparate voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis. That is why it is crucial that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country.

We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our Nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy. Furthermore, I think it is imperative that we involve small, minority and women owned, and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

This unprecedented piece of legislation contains numerous important provisions. Specifically, it contains provisions that will require that new cars and trucks increase their fuel economy standards to 35 miles per gallon by the year 2020. This provision alone is estimated to save American families $700 to $1,000 a year at the gas pump. Congress has not increased the fuel economy standards since 1975, illuminating the historical new direction this Congress is taking to ensure America's energy security and independence.

Furthermore, this important legislation encourages and promotes the use of renewable forms of energy produced right here in the United States. Not only does it require that 15 percent of our electricity come from renewable sources, but it also provides incentives in the form of tax credits for those American's who are conscious of their energy production and consumption. With America's leading energy producers as an integral part of the solution to our current foreign energy dependence, we will be able to move forward to a new period in which America will be secure in its domestic energy supply.

According to the U.S. Minerals Management Service, MMS, America's deep seas on the Outer Continental Shelf, OCS, contain 420 trillion cubic feet of natural gas, the U.S. consumes 23 TCF per year, and 86 billion barrels of oil, the U.S. imports 4.5 billion per year. Even with all these energy resources, the U.S. sends more than $300 billion, and countless American jobs, overseas every year for energy we can create at home. I believe that we should mandate environmentally safe and efficient exploration techniques in the gulf coast which energy companies have demonstrated a willingness and capacity to utilize. By ensuring access to increasing sources of energy in an environmentally conscious way, I believe we can decrease our dependence on foreign oil.

This bill also contains a crucial international component. Global climate change is a truly global problem. It is real; it is imminent; and it is our responsibility to work with the rest of the international community to develop a coordinated global response to this potentially devastating phenomenon. Because this legislation contains an unprecedented fuel efficiency standard as well as a renewable electricity standard in conjunction with a myriad of energy efficiency provisions, it will significantly reduce the carbon dioxide emissions of the United States that lead to climate change.

Furthermore, I support innovative solutions to our national energy crisis, such as my legislation which alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology. This legislation significantly strengthens and extends existing renewable energy tax credits, including solar, wind, biomass, geothermal, hydro, landfill gas, and trash combustion. Furthermore, it will bolster research on geothermal, solar, and marine renewable energy, providing us with the information we need to move forward in the trajectory of clean, renewable, and domestically produced energy.

The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent of which are in the Persian Gulf.

Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the $180 billion that oil contributes to our annual trade deficit, it can end our addiction to foreign oil. According to the Department of Agriculture, biomass can displace 30 percent of our Nation's petroleum consumption.

Along with traditional production of ethanol from corn, cellulosic ethanol can be produced domestically from a variety of feedstocks, including switchgrass, corn stalks, and municipal solid wastes, which are available throughout our Nation. Cellulosic ethanol also relies on its own byproducts to fuel the refining process, yielding a positive energy balance. Whereas the potential production of traditional corn-based ethanol is about 10 billion gallons per year, the potential production of cellulosic ethanol is estimated to be 60 billion gallons per year.

In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce US carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions. With its commitment to American biofuels, this legislation calls for a significant increase in the Renewable Fuels Standard. It encourages the diversification of American energy crops thus ensuring that biodiesel and cellulosic sources are key components in America's drive to become energy independent.

This legislation goes further than any previous attempt at securing America's energy security by providing incentives and rewards for the population for their use and production of renewable energy. It will also help the American family in its production of over 3 million green jobs over the next 10 years as well as increasing the loan limits that will help small businesses develop energy efficient technologies and purchases.

Mr. Speaker, this comprehensive legislation addresses the full range of concerns raised by global climate change. It offers wide-ranging solutions to the serious problems we, as a nation and as an international community, face. It demonstrates the ongoing commitment of this Democratic Congress to address these important issues, and to provide tangible and beneficial solutions.

I am proud that through our efforts at compromise, this legislation reflects an improvement from H.R. 2776, the Renewable Energy and Energy Conservation Tax Act of 2007, which we passed in August. However, I am concerned that this legislation still contains provisions repealing tax incentives for oil and gas companies which may have a negative effect on access to important sources of energy. In particular, I am concerned that the domestic manufacturing deduction could discourage new domestic oil and natural gas investment by making these investments comparatively less competitive than competing foreign investments. Moving forward, I think it would be prudent for this Congress to consider linking an increase on taxes with an increase in access to domestic exploration of available sources of energy, such as the gulf coast.

I urge my colleagues to be balanced and prudent in their approach in addressing our energy needs. By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Indiana (Mr. HILL), who has provided such extraordinary leadership in the consideration of this legislation, 2 minutes.

Mr. HILL. Mr. Speaker, there is an old saying that says, in order to travel a thousand miles you have got to take the first step. And this is the first step that we are taking on a long road to energy independence.

This is such an important issue, energy independence, and there are almost too many people to thank for putting this first step together. But I want to begin by thanking the environmental groups and the automobile industry for coming together on a compromise on CAFE standards. For the first time in 32 years, we are actually increasing the fuel efficiencies that car manufacturers must adhere to in terms of making a car that travels on better fuel efficiencies. That standard has been raised to 35 miles per gallon. And this is a very tough standard to attain, but one that the automobile industry says that they can do.

As I said, for the first time in 32 years we have these new standards in place, and I think that is a major, major accomplishment.

In order to travel the other thousand miles, we have got a lot more things to do and we have time to do it to make us energy independent. But I would like to take the opportunity to thank the chairman of the Energy and Commerce Committee, who comes from automobile land in Michigan, for stepping forth and making sure that these new standards were to become law. Nothing short of big compliments to

him for stepping up to the plate and making sure that we move forward on these new standards.

This is a new day. This is a good energy bill, one that we are going to pass today. These new CAFE standards are something that we should all be proud of, and I would again like to thank my coauthor on the bill that I introduced, Lee Terry from the great State of Nebraska, for helping us move this piece of legislation forward.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to one of the leading experts in the Congress on the theory of peak oil, Mr. BARTLETT of Maryland.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. We have about 1 trillion barrels of recoverable known reserves. The undiscovered reserves are going to be a relatively small fraction of that. If we could pump those undiscovered reserves tomorrow, what would we do the day after tomorrow? And there will be a day after tomorrow.

I have 10 kids, 16 grandkids and two great grandkids. We are leaving them a horrendous debt, although not with my votes. Wouldn't it be nice to leave them a little oil? I am not anxious to find and exploit these undiscovered reserves.

I really would like to vote for this bill, because we desperately need an energy bill. The world, and particularly the United States, faces a real challenge on energy in the future. I cannot vote for this bill primarily because of the corn ethanol mandate.

A recent article in The Economist noted that our use of corn for ethanol doubled the price of corn about 1 year ago. Farmers then moved lands that would have been in soybeans and wheat to corn. We have now further increased the cost of corn, and we have increased the cost of soybeans and wheat the world around. One of the members of the United Nations said that what we have done is a crime against humanity. And the effect we have had on gasoline use has been absolutely trifling. The National Academy of Sciences says if we converted all of our corn to ethanol and discounted for fossil fuel input, it would displace 2.4 percent of our gasoline.

Mr. Speaker, this really represents one of those times, as the old farmer says, that the juice ain't worth the squeezing. We can do better.

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

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Texas has 6½ minutes remaining; the gentleman from Michigan has 8½ minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from the Sunshine State of Florida (Mr. STEARNS).

Mr. STEARNS. I thank the distinguished ranking member.

Mr. Speaker and my colleagues, when you look at this bill, the question you should ask: Has this been tried before and has it been successful?

Corn ethanol is not an efficient fuel, as mentioned by the previous speaker. Even if the Nation's entire corn crop was used for ethanol, it would replace only 12 percent of current gasoline use. Worse, taxpayers will pay twice for ethanol: at the pump; but, more importantly, billions of dollars for these dollars through subsidies.

When you go into the European Union, you ask, How is it working over there? Well, there is a report. October 2007 Report ''Leaping Before They Looked. Lessons From Europe's Experience With the 2003 Biofuel Directive,'' by the Clean Air Task Force states that a 2003 European Union mandate to increase and promote the use of biofuel has exacerbated some of the very problems it was designed to solve, driving up food prices.

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So my colleagues, this makes the problem worse, driving up food prices, leading to increased deforestation in tropical countries, worsening global warming and increasing imports of biooils.

So this is a report from the European Union which is trying to do the same thing you are trying to suggest in this bill. It did not work there and probably won't work here in the bill.

Lastly, I would conclude that the cellulosic biofuel credits is really based on something that is totally not science driven.

So I ask my colleagues to vote ''no'' on this bill.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, it is with great pride that I rise in strong support of H.R. 6, which will help our Nation take a major step towards energy independence. This legislation is truly historic, and I commend all of the sponsors and all who had a hand in bringing this legislation to the floor today.

Ladies and gentlemen, we cannot dig or drill our way out of our energy crisis. We need a better way. We need new strategies to develop sources of energy that will move our Nation away from our reliance on oil and gas. This legislation will benefit our environment by reducing our greenhouse gas emissions, our economy by creating new industries and jobs, and our national security by reducing our dependence on foreign oil.

I am particularly pleased that H.R. 6 includes the first significant increase in automobile fuel economy standards in a generation. We have the technology to make our vehicles more efficient, and it is past time that we do so. While I wish that the bill retained the renewable electricity standards and the tax provisions that the House passed, I will keep working with my colleagues to see those efforts someday become law in the very near future.

In closing, I commend the many people who put together this historic legislation, and I urge all of my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding, especially since I am going to speak in favor of the bill. And the reason I am going to speak in favor of the bill and vote for it is because I think it is the beginning of a commitment to doing something about our energy dependence on foreign fuels.

Recently, I had the opportunity to be in Brazil. In the 1970s, Brazil made a commitment to move away from their dependence on imported oil and they developed ethanol from sugarcane. We don't have sugarcane, but we have something else that is in this bill. We have hydrogen, lots of it. In fact, it is the world's most common element.

So within this bill is the H Prize, which rewards entrepreneurs and inventors who can come up with a well-to-wheels transformation toward the hydrogen economy with a $10 million prize, hopefully augmented by $40 million worth of private money. This is patterned after the Ansari X Prize which incentivized entrepreneurial space flight.

So what we would hope to accomplish with the H Prize, which House Members have voted twice in favor of with over 400 votes both times, is to break through to hydrogen. I support the bill.

Mr. DINGELL. Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON) 2 minutes.

Mr. LAMPSON. I thank the chairman for allowing me to come in and weigh in on this important measure. I am proud today to vote for this comprehensive energy package which includes two bills that I introduced related to enhancing biofuels and also industrial efficiency research and development.

Diversifying our energy supplies will help our Nation lead the way toward greater energy independence. However, we must commit to even more research and development in order to remain the world leader that we have been. We are competing with China and Japan and Russia and many other nations to find new resources and technologies. As we grow our technologies, we grow the availability of resources that we are trying to seek and use. And if we don't rededicate our Nation's know-how and might to the pursuit of science and technologies, I believe we will relegate ourselves to second-class status in the world.

While this bill will not bring down energy prices overnight, it is an important step in the right direction. Estimates show that these provisions will

save Americans more than $400 billion and reduce energy consumption by at least 7 percent by 2030. We can achieve that and more.

Our Nation has reached a critical point, and the time is now for us to lead the way toward cleaner fuel, increased efficiency standards, and much-needed research and development. When we lead, we prosper. Passing this bill is a start. Making it better next year and the year after will ensure our leadership in the world. We can and we absolutely must achieve these significant goals by passing this bill. I encourage support for H.R. 6.

Mr. BARTON of Texas. Mr. Speaker, I only have myself to close, perhaps one other speaker who is in the cloakroom, so I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, we have no remaining speakers save my strong desire to yield the remainder of our time to our distinguished Speaker who will close for our side, but I want to say a nice word about my good friend, the gentleman from Texas. He is a valuable Member of the body and a great friend of mine and it is always a pleasure to work with him, even when we are on opposite sides.

If he would proceed to close, then I would yield to our Speaker for our closing remarks.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we don't get elected to come to Congress and be against things. As the chairman of the Energy Committee in the last Congress, I was honored to chair the conference committee which passed the most comprehensive energy bill to become law in the last 20 to 30 years, so it is with a heavy heart that I come to the floor today to oppose this particular energy bill.

I don't oppose it out of spite and I don't oppose it because there is a different majority; I oppose it because of what is in it and what is not in it. Let's talk about what's not in it.

There is nothing in it for coal to liquids. There is nothing in it for the domestic oil and gas industry. There is very little in it for the nuclear industry. So for all of the conventional energy sources that fuel this great Nation, this is basically a no-energy bill.

We are not a have-not Nation in terms of energy. We have the ability, if we wish to, to be close to self-sufficient in energy production for our own consumption in this Nation.

Hypothetically, this bill may do something to reduce the amount of oil that we import, but only hypothetically. We use about 12 million barrels of oil per day that is converted to gasoline, and my guess is, in the year 2020, we are going to use more than 12 million barrels of oil a day to convert to gasoline and diesel fuel. So while it will certainly save some energy, because of the growth, I would argue that we will probably end up using as much imported oil as we do today.

What this bill really is is a recipe for recession. Why do I say that? The cost of fuel is going to go up if this bill does what it is supposed to do, and that is going to be an incentive for recession. The cost of building our homes is going to go up because of all of the new building code restrictions for so-called green buildings in this bill. The cost of electricity is going to go up. The cost of manufacturing our automobiles and our trucks is going to go up.

In 1966, my father's Ford Fairlane 500 got 17 miles to the gallon. It cost about $4,000 in 1966 dollars. That equivalent vehicle today would cost, in the order of magnitude, $25,000. The vehicles that are going to be made to meet this 35-mile-per-gallon standard in the year 2020 are probably going to cost, in order of magnitude, $10,000 to $15,000 more than they do today. That is a recipe for recession.

The cost of appliances is going to go up because of all of the new efficiency standards we are putting in for appliances. And even the cost of light bulbs is going to go up. The light bulbs that light this Chamber right now will be illegal when this bill becomes completely implemented. The incandescent light bulb that you can get for 90 cents or 50 cents at Wal-Mart is going to be outlawed. You will have to pay $8 to $10 for these new fancy light bulbs. That is a cause for recession.

So what happens when all of these costs go up, Mr. Speaker? Jobs go down. Jobs in our real estate and home construction building are going to go down. Jobs in manufacturing are going to go down. Jobs in our automobile assembly industry are going to go down. Jobs in retail sales are going to go down. Costs are going to go up and jobs are going to go down.

And the shame of it is that we could have passed an energy bill in this Congress that we could have all voted for. We could have put some of the things that are in this bill. We are not opposed to some increase in CAFE. We could have had an agreement on CAFE that balanced an increase in supply perhaps by drilling in ANWR so we get more oil production domestically, we get some energy conservation domestically. That is a doable deal. We could have done a coal-to-liquids title in this bill. Vote ''no'' on the bill.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DINGELL. Mr. Speaker, I yield to my good friend. I don't agree with what he is saying, but I love him dearly and I think even though he is making a bad speech, I want him to have another minute. So I yield him, at this time, 1 additional minute.

Mr. BARTON of Texas. I do thank my good friend, the chairman of the Energy and Commerce Committee. We disagree on some policies, but we don't disagree on our love for the institution and the love for democracy.

In closing, Mr. Speaker, let me simply say, as I have already said, this is not a have-not Nation, but the energy bill before us today is acting as if we are a have-not Nation.

We can use the domestic resources. We can produce more energy, and yes, we can conserve energy. We can lead the world as we have led the world in the post-World War II era, but this bill is, in my opinion, a recipe for recession, and I would strongly urge a ''no'' vote. And I thank my good friend from Michigan for yielding me the additional time.

Mr. DINGELL. Mr. Speaker, with appropriate thanks to her and with great respect for her and appreciation of her extraordinary leadership in this very difficult matter, it is with a great deal of pleasure that I yield to our distinguished Speaker the balance of our time on this side.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan, the chairman of the Energy and Commerce Committee, for his kind words and for his tremendous leadership.

Because of his leadership and that of 10 other Members, Chairs of our committees of jurisdiction, working in a bipartisan way, we are able to bring earth-shattering change in terms of energy policy to the floor of the House. Here we are today. Here we are today to pass a bill that passed in the Senate 88–6; 88–6, very strong bipartisan support for this legislation.

Today in the House, we have the opportunity to give that same kind of validation and legitimacy to a new direction in energy security for America. It is about our national security. Admiral McGinn, when he spoke recently, said that our dependence on foreign oil presents a clear and present danger to our country. It is a matter of our national economy.

Congresswoman VELÁZQUEZ, Chair of the Small Business Committee, and Congressman GEORGE MILLER, with the Green Jobs Initiatives, can show a new way to build a new economy involving many more people and the new technologies that will be unleashed because of this legislation.

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It's about protecting our environment. Congressman RAHALL, Chairman RAHALL and his Natural Resources Committee provided great leadership, as did the Chair of the Government Reform Committee, Mr. WAXMAN, who has long been a supporter of energy security and energy independence.

The list goes on: Mr. OBERSTAR, the greening of the Capitol and the Federal buildings across the country and what that will save, and many more initiatives that he has presented.

The chairman of the Ways and Means Committee provided the way to pay for it. That was rejected in the Senate, but we will revisit that issue in a manner that I think will receive strong bipartisan support.

The chairman of our select committee, Mr. MARKEY, did an excellent job in keeping this issue alive, as he has worked on it for many, many years.

What other Chairs? I'm looking around the room at our Chairs. I'll talk about them as we go along.

Mr. Bart Gordon, Chair of the Science and Technology Committee, is really in the forefront. So much of this bill comes out of his committee.

Mr. Speaker, the work that was done by the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, is breaking ground. It's groundbreaking in terms of what it will do in savings to the consumer, what it is doing in terms of protecting the environment, and, again, what it is doing to provide a new direction. And it does so in a way that breaks ground but does not leave it broken. It takes us to a new place, and I thank him for that leadership. It's a tremendous addition to this legislation.

And the United States Senate, two of their major provisions, renewable fuel portfolio, and the CAFE, were leadership issues, and I'm glad that we were able to work out those, reconcile the differences between the House and the Senate, again with the leadership of Mr. DINGELL.

I think of us as being in a place where we're looking at the horizon, whether we're on a ship, or wherever we are, looking at a horizon. And this legislation takes us closer to that horizon. But as with all horizons, they keep getting farther away. But they lead us and reaching for it takes us to a whole new world. And that's what this legislation does.

My colleagues in this Chamber, our guests. Am I allowed to address them, Mr. Speaker? You are present at a moment of change, of real change, of rejecting the past, respecting the values of the past, but rejecting the insistence that we stay in the past and go into the future. This is about a choice between yesterday and tomorrow.

And while I would have liked to have had the full package that passed here with overwhelming bipartisan support in the House, I salute this bill for what it does do and respect it for that, rather than judge it for what it does not, because we have plenty of time, interest, knowledge, know-how and bipartisanship to move forward to make even more change.

It's, as I said, a national security issue. It's an economic issue, an environmental issue and therefore a health issue. It is an energy issue, and it is a moral issue. It's a moral issue, and that's why we worked closely with the evangelical and faith-based communities, with scientists and faith-based, with business and environmentalists, with our friends in labor who support this legislation, to preserve God's beautiful legacy to us. It is His gift to us, and we have a moral responsibility to preserve it.

We have to think about our consumers every single day. That's who we represent. They are our bosses, and their well-being is our mission, to protect their well-being.

This legislation will save the average driver who goes up to the pump and has the shock that consumers are having, this legislation alone will save the average driver between $700 and $1,000 per year. It adds up to $22 billion in net annual consumer savings in the year 2020.

In order to reduce the price at the pump, the increasing of the fuel efficiency standards to 35 miles per gallon is historic. It's the first time in 32 years that this has happened.

So whether we're thinking as consumers and very personally about what this means in the lives of our constituents as they see their energy costs go up at the pump or in heating their homes at this Christmas season, or we're thinking of our national defense and our national economy, this is as personal as each and every one of our consumers. It is as global as the planet, and the opportunity provided to take us to a new horizon, to see a new world, a new era of possibility is here with us today. I hope, as a Christmas present to our constituents and, especially to the children, because it's about their future, that we would have very, very strong bipartisan support for this legislation. In the Senate, as I said, 88–6, a beautiful vote. I hope that we can replicate that in the House.

In any event, this great opportunity for us would not have been possible without the leadership of you, Mr. Chairman, so many of our chairmen, including the gentleman in the Chair, working from the Appropriations Committee, Mr. OBEY, and so many others of us.

As I salute our chairmen for the intellect, the institutional memory, the legislative know-how that they brought to this process, I also want to give a special thank you to our freshman class. They came to this Congress to make change. They know how essential protecting our planet is. They know the concerns of their constituents. They're fresh out of the trenches, dealing with them. And without that freshman class, if I may call them freshmen, we would not have had the success that we have had today.

So this has been a collaboration on both sides of the aisle, from our most senior Members to our newest Members of Congress, to invigorate us, to encourage us to make the change that we're making today. I'm absolutely delighted about it. I can't wait until we join with the President of the United States when he signs this legislation into law and takes a step forward into the future.

Mr. TERRY. Mr. Speaker, I rise today to thank Chairman DINGELL, BARON HILL, JOHN CAMPBELL and others for their assistance in negotiating the landmark fuel economy provisions in this bill. Without the hard work of these Members, we would not have been able to reform our Nation's fuel economy standards in a manner that increases fuel economy by 40 percent while preserving jobs and vehicle choice. The Hill-Terry fuel economy reforms will reduce overall gasoline consumption and its attendant carbon emissions, goals that Members of both parties support.

This bill also has strong energy efficiency provisions, which like the Hill-Terry fuel economy reforms, will reduce demand for energy in the long term. While I support and will vote for the bill for these reasons, I am extremely disappointed this bill does nothing to address the supply side of energy. By not addressing the supply side of energy security, this bill is woefully deficient in preparing America for a future in which our energy supply must grow to continue supporting our domestic manufacturing base, as well as a future and present where other nations are locked in an ongoing competition around the world to secure energy resources for the future.

Mr. Speaker, I am proud that the Hill-Terry fuel economy reforms will help reduce the amount of gasoline our Nation imports. I am also proud of the increased renewable fuels standard, which will encourage more production of ethanol and biodiesel to further reduce demand for foreign imports. But these provisions coupled with energy efficiency measures are not enough.

To truly address the energy challenges our Nation will face in the future, we must embrace every available technology at our disposal. Given the majority's concern for carbon emissions, I am surprised they oppose further development of our Nation's nuclear power industry. Nuclear power is cheap, produces no emissions, generates good jobs and is a net benefit to the communities in which plants are located.

Additionally, the bill ignores America's greatest natural resource: coal. It is no understatement that Illinois is the Saudi Arabia of coal. Combined with coal resources in other States, our Nation has enough coal to supply all of America's energy needs for in excess of 150 years. Yet the bill contains no provisions to promote the use of coal.

I realize that when most Americans think of coal plants, images of black smoke emerging from dirty stacks come to mind. That is the coal industry of yesterday. Today's coal industry has been moving towards using cleaner coal, which produces less sulfur and nitrogen, and scientists around the world are developing technologies to make coal even cleaner and to reduce its carbon emissions. Technologies currently being researched and improved that accomplish these goals are carbon capture and sequestration, CCS, and Integrated Gasification Combined Cycles, IGCC. CCS captures carbon emissions at the source and then either pumps it deep underground where it is capped, or pumps it into partially depleted oilfields to force the oil closer to the surface and make domestic oil recovery cheaper, thus also increasing our domestic oil supply.

Coal can also be used to produce motor and aviation fuel through coal-to-liquids technology, which this bill does nothing to support. This technology is based on the Fischer-Tropes process developed early in the 20th century. South Africa derives over 30 percent of its energy needs from Fischer-Tropes produced fuels. Using the Fischer-Tropes process, America could be well on the way to producing motor and aviation fuel with fewer emissions than are produced by a typical gasoline refinery.

Opponents of using coal for any reason will say that these technologies are not fully developed or cost-effective enough for our Nation to adopt them.

Ironically, many of these are the same people who support the Hill-Terry fuel economy reforms even though meeting these new

standards will require industry to increase investment in and development of new technologies to meet the 35 mpg by 2020 goal set out by this energy bill. If the U.S. auto industry can do this in 12 years, there is no reason that similar technology can't be developed in the same timeframe by utility and coal companies. And best of all, opening new CTL refineries will create jobs both in the new refineries, and in associated industries.

Finally, just this week there were news reports that an American chemical company is moving some production overseas due to the difference in energy costs here compared with costs in their new host nation. By not increasing our domestic energy supply, our Nation is essentially asking U.S. companies to leave our shores and eliminate American jobs.

I encourage our distinguished Chairman, JOHN DINGELL, to work with Speaker PELOSI and the Democrat Leadership to enact a second energy bill this Congress, which focuses on increasing the supply of U.S. energy in order to protect our national manufacturing base and maintain good-paying U.S. jobs.

Mr. LIPINSKI. Mr. Speaker, today is a historic day, as America takes a big step forward in combating global climate change and breaking the grip that ''Big Oil'' companies and OPEC have on our Nation. That is why I am pleased to rise in support of H.R. 6, the Energy Independence and Security Act of 2007—a bill that will put us on a path to energy independence, while creating millions of new jobs and addressing climate change.

America has always been at the forefront of technological breakthroughs. We have responded to great challenges, perhaps most famously President John F. Kennedy's challenge to land a man on the moon before the end of the 1960s. I am confident that this legislation will provide America with the momentum it needs to move our country into a new energy economy.

Unfortunately, I am disappointed that the other body was unable to retain the House-passed language to repeal tax breaks for the oil and gas industry. Especially at a time of record high gas prices and record high corporate profits, this excessively prosperous industry should be paying its fair share. This revenue is needed to fund clean, renewable energies like wind, solar, and geothermal, as well as other important advanced technologies like plug-in electric vehicles, which will speed our path to energy independence. I will continue this fight against ''Big Oil'' and work to break the death grip that they have on American consumers. And I will continue to push for billions of dollars in tax incentives to jumpstart our cutting-edge renewable energy industries.

I am also not happy with the removal of the Renewable Electricity Standard from the final bill. This provision, which would have required utilities to generate 15 percent of electricity from renewable sources by 2020, would have gone a very long way in reducing America's addiction to fossil fuels. With most States already pursuing renewable electricity portfolios, including an Illinois mandate of 25 percent by 2025, I will work to make sure Congress addresses this issue soon.

As vice-chairman of the Science and Technology Committee, I am pleased to have played an important role in not only getting this bill passed, but also in contributing two important provisions. The H-Prize Act of 2007, a bill I introduced with Representative INGLIS of South Carolina, establishes over $50 million in competitively awarded cash prizes to spur innovations that advance the use of hydrogen as a fuel for transportation. While hydrogen-fueled cars already exist, there are significant technical and economic barriers that must still be overcome before we can put a hydrogen car in every American garage. The H-Prize will help expand the possibilities of hydrogen research, promoting people not normally involved in federal research and development to explore one of the greatest challenges facing us today. And when these advances are made, hydrogen can fill critical energy needs beyond transportation. Hydrogen will also be used to provide heat and generate electricity. The future possibilities for this energy source are huge. And most importantly, hydrogen will be a clean, domestic energy source, producing no emissions besides water.

I am also very happy about the inclusion of the BRIGHT (Bulb Replacement In Government with High-Efficiency Technology) Energy Savings Act, which I introduced and shepherded through the Transportation and Infrastructure Committee. This provision requires the federal government—the Nation's largest energy consumer—to use high-efficiency light bulbs in 1,800 civilian office buildings. This change will significantly reduce energy consumption—about 75 percent savings for each of more than 3 million bulbs—saving tens of millions of taxpayer dollars, in addition to saving energy and cutting down on the emissions of greenhouse gases.

Mr. Speaker, I ask my colleagues to join me in supporting this groundbreaking legislation. This is not a perfect bill, and I will work to make sure we revisit this issue, especially the repeal of the taxes on ''Big Oil.'' But this is a great step forward for America and for our environment. I am confident that one day we will look back on this bill as that catalyst that led to a better, cleaner, more secure America and world.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this legislation, though I am deeply disappointed that it does not include several key provisions from the bill that the House passed earlier this month.

The earlier version was an excellent energy bill that combined provisions developed by several different House Committees, as well as provisions from a Senate-passed bill, designed to start putting our country on a path toward energy independence, increased national security and economic growth, and addressing global warming.

The Senate lacked the votes to even consider that energy bill, so it was then stripped of the Renewable Electricity Standard that I championed in the House along with Representatives TOM UDALL and TODD PLATTS.

The House's adoption of that amendment earlier this year, and its retention in the most recent House-passed version, was a high point for those of us working for positive change that will benefit rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

But, to make matters even worse, even after that provision was dropped, for lack of just one more vote in the Senate, what remained of the House bill had to be further deformed.

So, for lack of just one more Senate vote, the bill we are considering today does not extend important tax credits for renewable energy production, such as the extension of the Production Tax Credit for solar and wind energy and other renewable technologies. The PTC in particular has been critical in promoting the creation of a renewable energy industry, and I will work to win an extension of this key tax credit before the current credit expires at the end of 2008.

And dropped with the tax credits were the House-passed provisions dealing with the Secure Rural Schools and Payments-in-Lieu-of-Taxes (PILT) program. Both would have been good for the Nation and particularly for Colorado because so many of our counties include large Federal land areas and therefore would have benefited directly from that part of the House-passed bill.

I strongly supported all those provisions, and I intend to continue working to win their enactment either on their own or as part of some other measure.

I regret that for the time being Congress is not able to do all that should be done to move us toward greater energy independence, which means greater national security, in ways that will lower energy costs, help our economy, and reduce the carbon emissions that contribute to climate change.

Nonetheless, with all its shortcomings, the bill the Senate has sent us will accomplish some worthwhile things and deserves to be passed.

Notably, it includes the first revision in decades of the fuel-consumption standards for automobiles. This step is long overdue and will result in increasing the efficiency of all vehicles to 35 miles per gallon by 2020.

I am also glad to note that it retains a provision on carbon capture and storage based upon a bill that I authored (H.R. 1933). Coal and other fossil fuels have been and will continue to be an important energy source for our country, but coal-burning power plants are also a major source of greenhouse gas emissions and other pollutants. The carbon capture and storage research, development, and demonstration program authorized in this bill will help us tackle this challenge while keeping our economy healthy and strong. It will authorize the Department of Energy to conduct demonstration projects for both carbon dioxide capture and carbon dioxide injection and storage. Not only will this research program help us develop this technology and make it more-economical, but it will also help us understand the implications of storing large amounts of carbon dioxide underground.

In addition, this bill will encourage manufacturers to build more efficient appliances, strengthen the energy efficiency of the Federal Government, and help businesses create energy-efficient workplaces.

And it will increase the Renewable Fuels Standard (RFS), which sets annual requirements for the amount of renewable fuels produced and used in motor vehicles. The new RFS has specific requirements for the use of biodiesel and cellulosic sources to ensure that these ethanol sources also advance along with corn-based ethanol. Furthermore, the bill includes critical environmental safeguards to ensure that the growth of homegrown fuels helps to reduce carbon emissions.

Additionally, the bill will create an Energy Efficiency and Renewable Energy Worker Training Program to train Americans for good ''green'' jobs—such as in solar panel manufacturing and green building construction—that

will be created by new renewable-energy and energy-efficiency initiatives. This will provide training opportunities to our veterans, to those displaced by national energy and environmental policy and economic globalization, to individuals seeking pathways out of poverty, to young people at risk and to workers already in the energy field who need to update their skills.

Mr. Speaker, I am disappointed with this legislation because it came so close to being so much better. But, the bottom line is that even so it is much needed and long overdue and deserves to pass today so it can go to the president to be signed into law. I urge its approval.

Mr. MARKEY. Mr. Speaker, over the past 7 years, I have labored to increase the fuel economy standards of our cars and light truck fleets, and am gratified that the day has finally come where the fruits of my labor will be realized. Over 7 years, there are countless individuals, Members of Congress, environmental, consumer, and religious organizations who have labored alongside me—these people are too numerous to mention. I thank all of them for their important contributions. But I would also like to thank several in particular.

First, former Congressman Sherwood Boehlert, R–NY, who for six years was my partner in the House, advocating tirelessly, often against the wishes of his party's leadership, to move this issue forward. Second, Dan Becker, an environmental consultant, who has made raising fuel economy standards his life's work and who worked with my office in the trenches back when the trenches were a very lonely place to be! Finally, Securing America's Future Energy and the Energy Security Leadership Council, who brought together retired military officials and corporate CEOs to highlight the national and economic security dangers associated with our growing dependence on imported oil, and who played a critical role in developing more widespread support for these provisions.

As the principal House proponent of the fuel economy Title in this legislation, I also wish to briefly discuss several of its provisions in order to more fully explain the statutory language and to provide context for what we are accomplishing with this historic energy bill.

Section 3 of the bill states: ''Except to the extent expressly provided in this Act, or in an amendment made by this Act, nothing in this Act or an amendment made by this act supersedes, limits the authority or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.''

The laws and regulations referred to in section 3 include, but are not limited to, the Clean Air Act and any regulations promulgated under Clean Air Act authority. It is the intent of Congress to fully preserve existing federal and State authority under the Clean Air Act.

In addition, Congress does not intend, by including provisions in Title I of the bill that reform and alter the authority of the Secretary of Transportation to increase fuel economy standards for passenger automobiles, nonpassenger automobiles, work trucks, and medium and heavy duty trucks, to in any way supersede or limit the authority and/or responsibility conferred by sections 177, 202, and 209 of the Clean Air Act. For section 202 of the Clean Air Act, this includes but is not limited to the authority and responsibility affirmed by the Supreme Court's April 2, 2007 decision in *Massachusetts* v. *EPA*, No. 05–1120. For sections 177 and 209 of the Clean Air Act, this includes but is not limited to the authority affirmed by the September 12, 2007 decision of the U.S. District Court for the District of Vermont in *Green Mountain Chrysler Dodge Jeep et al.* v. *Crombie et al.*, No. 2:05–cv–302, and the December 11, 2007 decision of the United States District Court for the Eastern District of California in *Central Valley Chrysler-Jeep, Inc. et al.* v. *Goldstone, et al.,* No. 1:04–cv–06663–AWIGSA.

Although Senators LEVIN, INOUYE and FEINSTEIN, in a December 13, 2007 colloquy, agreed that it was the ''intent of this bill that any regulations issued by the Environmental Protection Agency be consistent with the direction of Congress in this legislation and regulations issued by the Department of Transportation to implement this legislation,'' in fact this legislation includes no statutory requirement that would compel the Environmental Protection Agency to adopt regulations that are consistent with those promulgated by the Department of Transportation. I would also note that in a subsequent colloquy, Senator INOUYE stated that ''the DOT and the EPA have separate missions that should be executed fully and responsibly,'' and Senator FEINSTEIN stated that ''Importantly, the separate authority and responsibility of the U.S. Environmental Protection Agency to regulate vehicle greenhouse gas emissions under the Clean Air Act is in no manner affected by this legislation as plainly provided for in Section 3 of the bill addressing the relationship of H.R. 6 to other laws.''

Title I of the bill addresses CAFE standards. Section 102(a) would require that the fleet of new passenger and non-passenger vehicles made for sale in model year 2020 reach a fleet-wide fuel economy average of at least 35 miles per gallon, regardless of shifts in the market or any other consideration. While fuel economy standards for each of model years 2011–2019 are expected to be the maximum feasible standard, this section does not allow the Department of Transportation, DOT, to set a fleet-wide average of lower than 35 miles per gallon for model year 2020 under any circumstances. In addition, if the maximum feasible level for model year 2020 is higher than 35 miles per gallon due to technological progress and/or other factors, Congress intends to require DOT to set standards at the maximum feasible level.

It is also the intent of this section to require DOT to set interim standards between 2011 and 2019 to make rapid and consistent annual progress towards achieving the 35 mpg minimum by 2020. In asking for ''ratable'' progress, the intent of Congress is to seek relatively consistent proportional increases in fuel economy standards each year, such that no single year through 2020 should experience a significantly higher increase than the previous year.

Section 104 addresses credit trading among and within automakers' vehicle fleets and is intended to increase flexibility for automakers, but it is the intent of Congress that any trading not in any way reduce the oil savings achieved by the standards set for any year under this title.

Section 105 is intended to provide added information for consumers, but is not intended to in any way interfere with or diminish EPA labeling authority. Congress intends that DOT work closely with EPA in fulfilling the requirements of this section.

Section 106 is intended to clarify that Title I does not impact fuel economy standards or the standard-setting process for vehicles manufactured before model year 2011. This section is not intended to codify, or otherwise support or reject, any standards applying before model year 2011 , and is not intended to reverse, supersede, overrule, or in any way limit the November 15, 2007 decision of the U.S. Court of Appeals for the Ninth Circuit in *Center for Biological Diversity* v. *National Highway Traffic Safety Administration*, No. 06–71891.

Section 109 makes modifications to the cap on the credits allowed to manufacturers making dual-fuel vehicles to ensure that the dual-fuel vehicle credit program is phased out and is fully and permanently eliminated by 2020 and thereafter.

I urge the Secretary to pay careful heed to the intent and spirit of these provisions in carrying out the provisions of this Title, so that we achieve this legislation's goals of increasing the fuel efficiency of our cars, SUVs, and other vehicles.

Mr. STARK. Mr. Speaker, I rise today in strong support of increasing fuel efficiency and taking the first steps toward ending our costly addiction to fossil fuels.

The Energy Independence and Security Act, H.R. 6, will provide much needed increases in energy efficiency and investments in clean energy and green buildings. Most importantly, for the first time in a generation, this bill will raise the fuel economy, CAFE, standards for new cars and trucks. By increasing CAFE to 35 miles per gallon by 2020 this bill will reduce oil consumption by 1.1 million barrels a day in 2020. This is the equivalent of taking 28 million vehicles off the road. Although I believe we can and should get to 35 mpg faster, this bill represents real progress in our efforts to combat global warming and achieve energy independence.

It is no secret that our addiction to oil and coal is having increasingly dire consequences for our Nation and the planet. The price of oil hovers near $100 a barrel. An endless war continues to rage in Iraq while the President continues his saber rattling in the direction of Iran. The specter of catastrophic global warming becomes more real each day. The time to take action is now and this legislation is a good starting point, but we must do more. I agree with the numerous economists and environmentalists who think an aggressive carbon tax is the only sure way to make the reductions in greenhouse gas emissions that are needed to reduce global warming. A carbon tax must be part of the conversation as we move forward with comprehensive global warming legislation.

This bill is not perfect. Republican obstructionists in the Senate have stripped provisions to mandate production of electricity from renewable sources like wind, solar, and biomass. They also demanded that giant oil companies maintain their preferential tax status. I am also troubled that we are continuing to subsidize and ratchet up production of corn-

based ethanol, which will do little to ease global warming, but drives up food prices and contributes to water pollution. I hope that the environmental safeguards contained in the Renewable Fuel Standard—which mandates production of 36 billion gallons of biofuels by 2022—will quickly push production away from corn ethanol and toward advanced cellulosic fuels. In the meantime, we have a responsibility to protect families hit by rising food prices.

Despite these shortcomings, this legislation represents real progress for both consumers and the environment. I urge all of my colleagues to embrace this new direction in energy policy and vote ''yes.'' We must realize that this bill is only the beginning and that more fundamental changes are needed if we are serious about addressing global warming and energy independence.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of what I hope and expect will be the final version of this year's energy bill. While less comprehensive than the legislation passed by the House, it is nevertheless an historic accomplishment and worthy of this chamber's support.

For the first time in thirty-two years, we are increasing the corporate average fuel economy, CAFE, standard for cars and trucks to 35 miles per gallon by 2020. This single step will create 150,000 jobs, save consumers $22 billion at the pump and slash our nation's oil consumption by 1.1 million barrels a day—about half what we currently import from the Persian Gulf. Additionally, and importantly, this improved standard is the greenhouse gas equivalent of taking 28 million cars and trucks off the road.

To further reduce our dependence on foreign oil, this package includes a Renewable Fuels Standard, RFS, that expands our nation's domestic biofuel production to 36 billion gallons by 2022. I am especially pleased that this RFS includes a substantial requirement for advanced biofuels from a variety of different feedstocks, as well as robust environmental protections necessary to safeguard vital ecosystems like the Chesapeake Bay.

Finally, this legislation achieves meaningful efficiency improvements across the economy, makes government a part of the energy solution, and accelerates our research and development efforts into the clean, renewable energy technologies of the future.

As a sponsor of the Renewable Electricity Standard, RES, and a member of the Ways and Means Committee, I am disappointed that the House-passed RES and tax provisions have been stripped from this bill. Nevertheless, we can be justifiably proud of what we are accomplishing today—and I will continue to work with my colleagues on both sides of the aisle until the rest of the job is done.

Mr. CONYERS. Mr. Speaker, I rise in strong support of the Energy Independence and Security Act of 2007. This agreement with the Senate builds on the New Direction for Energy Independence, National Security, and Consumer Protection Act passed this summer. The ambitious legislation before us today, which includes wide-ranging solutions from 10 House committees, invests in the future of America and puts our Nation on a path toward energy independence. It will strengthen national security, lower energy costs, grow our economy, create new jobs, and begin to reduce the threat of global warming.

The Energy Independence and Security Act includes several provisions that will strengthen our national security by decreasing our dependence on foreign oil. All told, this legislation will slash U.S. oil consumption by over 4 million barrels per day by 2030—more than twice our current daily imports from the Persian Gulf. I want to applaud Speaker PELOSI and Chairman DINGELL for reaching an agreement on fuel economy standards that is supported by both environmentalists and the automobile industry. This bill will raise CAFE standards for new cars and trucks to 35 miles per gallon by 2020—the first increase in 32 years. It ensures that this fuel economy standard will be reached, while offering flexibility to automakers and ensuring that we keep American manufacturing jobs and continue domestic production of smaller vehicles.

Today's legislation puts us on a path to reducing global warming. It reduces greenhouse gas emissions by up to 24 percent of the total amount the U.S. needs to cut by 2030 to help save the planet. The bill increases the efficiency of buildings, homes, appliances, and lighting. It also makes a historic commitment to American homegrown renewable energy that reduces greenhouse gas emissions.

The bill before us today will also lower energy costs and create new American jobs. Increased vehicle fuel efficiency will save American families $700 to $1,000 a year at the pump, producing $22 billion in net annual savings for consumers in 2020. The building, appliance, and lighting efficiency provisions will save consumers $400 billion through 2030. In addition, by expanding American-grown biofuels to 36 billion gallons in 2022 and supporting cutting-edge energy research, the bill will help create hundreds of thousands of new jobs. It also provides job training that will prepare workers for 3 million new ''green'' jobs over 10 years.

For too long, our country has lagged behind the rest of the industrialized world in recognizing and taking action to address the climate change crisis. Global warming endangers all of us, but threatens to have the most devastating impact on the poorest and the most vulnerable. Our Nation is the richest in the world and one of the largest contributors to global warming, yet, until today, it has not made any substantial efforts towards addressing the problem. I am proud to join with my colleagues as we at long last put America on the path to becoming part of the solution.

Mr. DOOLITTLE. Mr. Speaker. I am deeply disappointed that the final version of H.R. 6, passed today by the House, did not contain a reauthorization of the Secure Rural Schools and Community Self-Determination Act, which compensates counties for the large amounts of land the Federal Government took from them to create the National Forest System. This loss of land weakened the counties' tax bases, leaving them without adequate funding to provide basic public services such as schools and roads. The county payments authorized under the act fulfill a promise the Federal Government made when the land was seized. As the first session of the 110th Congress draws to a close, leaving these payments to expire, that promise is once again being broken, and the basic public infrastructures of our rural counties are left to suffer.

In California, State law requires that layoff notices be issued to teachers and administrators by March 15 if the proper resources are not available in their budgets. Once layoff notices are issued, schools begin to experience adverse effects of the funding shortage even if the money is eventually recovered, which was the case this year. This means Congress will have a very short time to act in the new year, and I will continue to be a strong advocate for passing legislation that fulfills our commitment to rural counties. This language should have remained in the energy bill currently before Congress, and its omission is the primary reason for my opposition to the bill.

In addition to the harm that is caused by failing to provide county payments in this bill, I am concerned that the bill excludes biomass from Federal lands as an alternative source of fuel. Much of my district is owned by the United States Forest Service, and these areas are prone to wildfires due to the large buildup of forest fuels. I have encouraged the removal of these materials, which serves the duel purpose of providing energy produced at nearby biomass plants and making our forests less prone to catastrophic wildfires. By exempting biomass from Federal lands as a source of alternative energy, H.R. 6 misses an opportunity to exploit a large source of alternative fuels while leaving our forests vulnerable to great harm from potential wildfires.

It is imperative that Congress pass legislation to reauthorize the Secure Rural Schools and Community Self-Determination Act before school boards meet in February to discuss where cuts must be made. Furthermore, we must encourage development of alternative fuels such as biomass which are abundant and carry with them additional benefits. H.R. 6 misses an opportunity to accomplish both those goals.

Ms. DELAURO. Mr. Speaker, while today's Consolidated Appropriations bill falls far short, the Democratic Congress has made sure it is far better than the President's budget request for fiscal year 2008. We have made very real changes to the administration's original budget proposal, and made real responsible investment in new domestic priorities that are long overdue.

Despite absurd limitations imposed by the administration and from Republican obstructionists in Congress, we have fought to meet our obligations as a Nation and a congress. Getting our work done when we are supposed to, and getting the big things right. Yet, while we worked to find common ground, the administration played political games.

Still, as chair of the FDA Agriculture Subcommittee I am proud of the bill we put together under tremendous constraints:

Reinvesting in rural America—restoring $44 million for rural business enterprise and opportunity grants, $119 million over the President's request for critical water and waste programs to ensure rural areas have access to clean water, and $20.3 million for community facility grants to help rural areas build day care centers and police and fire stations.

Protecting public health, increasing FDA funding by $145 million over 2007; $56 million for FDA food safety activities, with $28 million withheld until July 1 pending the submission of a comprehensive food safety plan by the FDA. A $21 million increase for drug safety and $6 million more for the FDA's Office of Generic Drugs.

It has $633 million above the President's request for the WIC nutrition program; and $472 million above for bio-energy and renewable energy R&D, including loans and grants in rural areas.

Mr. Speaker, this is about meeting our commitment to the American people. And, although at a much lower level, this bill finally funds our domestic priorities: from rural development to local law enforcement, Pell grants to No Child Left Behind. A new direction with new priorities for our Nation—the American people demand nothing less.

Mr. SHAYS. Mr. Speaker, I strongly support the reauthorization of the Terrorism Risk Insurance Act. As an original co-sponsor of this legislation, I am grateful for all of the hard work that went into bringing this bill to the floor today.

After the September 11, 2001 terrorist attacks, many businesses were no longer able to purchase insurance to protect against property losses that might occur in any future terrorist attacks and most reinsurers have yet to return to the marketplace because of the difficulty of being able to predict the frequency, size and scope of future terrorist attacks.

The backstop TRIA providesprotects those who buy insurance, and allows our economy to continue functioning normally in the face of the terrorist threat.

In my view, the bill's coverage of acts of domestic terrorism is a prudent step. However, I am disappointed we did not take this opportunity to make further reforms to the program such as the inclusion of reinsurance for group life insurers, who face the same challenges as property, casualty or other insurers. Failure to include l group life has placed these insurers in a difficult position of exiting from the market or choosing to remain in the marketplace without reinsurance.

The bottom line is, this is a good bill worthy of our support. It will bring some certainty to the insurance markets and help protect our economy. We need to pass this bill.

The SPEAKER pro tempore (Mr. OBEY). All time for debate has expired.

Pursuant to House Resolution 877, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

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

Mr. BARTON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 100, not voting 19, as follows:

[Roll No. 1177]

YEAS—314

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

NAYS—100

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Boehner
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Camp (MI)
Cannon
Cantor
Carter
Chabot
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
DeFazio
Doolittle
Drake
Duncan
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Johnson, Sam
Jordan
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McDermott
McHenry
McKeon
Mica
Miller (MI)
Musgrave
Neugebauer
Nunes
Pearce
Pence
Pitts
Poe
Price (GA)
Radanovich
Rahall
Regula
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Stearns
Sullivan
Tancredo
Thornberry
Turner
Walberg
Weldon (FL)
Westmoreland
Wicker
Wittman (VA)
Young (AK)

NOT VOTING—19

Cubin
Davis (IL)
Fossella
Gallegly
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
King (IA)
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Thompson (CA)
Weller
Wexler
Woolsey

□ 1345

Mr. WILSON of South Carolina and Mr. MILLER of Florida changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution (H. Res. 885) and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 885

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Latta.

COMMITTEE ON ENERGY AND COMMERCE: Mr. Blunt, to rank after Mr. Fossella.

COMMITTEE ON FOREIGN AFFAIRS: Mr. Wittman of Virginia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2271) to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2271

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 ''Sudan Accountability and Divestment Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) BUSINESS OPERATIONS.—The term ''business operations'' means engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) GOVERNMENT OF SUDAN.—The term ''Government of Sudan''—

(A) means the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front) or any successor government formed on or after October 13, 2006 (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

(B) does not include the regional government of southern Sudan.

(5) MARGINALIZED POPULATIONS OF SUDAN.—The term ''marginalized populations of Sudan'' refers to—

(A) adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Public Law 109–344; 50 U.S.C. 1701 note); and

(B) marginalized areas in Northern Sudan described in section 4(9) of such Act.

(6) MILITARY EQUIPMENT.—The term ''military equipment'' means—

(A) weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems or military-grade transport vehicles; or

(B) supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

(7) MINERAL EXTRACTION ACTIVITIES.—The term ''mineral extraction activities'' means exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

(8) OIL-RELATED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''oil-related activities'' means—

(i) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading oil; and

(ii) constructing, maintaining, or operating a pipeline, refinery, or other oilfield infrastructure.

(B) EXCLUSIONS.—A person shall not be considered to be involved in an oil-related activity if—

(i) the person is involved in the retail sale of gasoline or related consumer products in Sudan but is not involved in any other activity described in subparagraph (A); or

(ii) the person is involved in leasing, or owns, rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A).

(9) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company or subsidiary of any entity described in subparagraph (A) or (B).

(10) POWER PRODUCTION ACTIVITIES.—The term ''power production activities'' means any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar entity of the Government of Sudan whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, or providing service contracts related to the installation or maintenance of the project.

(11) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(12) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES DIRECTLY INVESTED IN CERTAIN SUDANESE SECTORS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (e) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, persons that the State or local government determines, using credible information available to the public, are conducting or have direct investments in business operations described in subsection (d).

(c) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(d) BUSINESS OPERATIONS DESCRIBED.—

(1) IN GENERAL.—Business operations described in this subsection are business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment.

(2) EXCEPTIONS.—Business operations described in this subsection do not include business operations that the person conducting the business operations can demonstrate—

(A) are conducted under contract directly and exclusively with the regional government of southern Sudan;

(B) are conducted under a license from the Office of Foreign Assets Control, or are expressly exempted under Federal law from the requirement to be conducted under such a license;

(C) consist of providing goods or services to marginalized populations of Sudan;

(D) consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(E) consist of providing goods or services that are used only to promote health or education; or

(F) have been voluntarily suspended.

(e) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice and an opportunity to comment in writing to each person to whom a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) APPLICABILITY.—The measure shall not apply to a person that demonstrates to the State or local government that the person does not conduct or have direct investments in business operations described in subsection (d).

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person conducts or has direct investments in business operations described in subsection (d).

(f) DEFINITIONS.—In this section:

(1) INVESTMENT.—The ''investment'' of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit of assets; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(g) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (c) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 4. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a–13) is amended by adding at the end the following:

''(c) LIMITATION ON ACTIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information that is available to the public, conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007.

''(2) APPLICABILITY.—

''(A) ACTIONS FOR BREACHES OF FIDUCIARY DUTIES.—Paragraph (1) does not prevent a person from bringing an action based on a breach of a fiduciary duty owed to that person with respect to a divestment or non-investment decision, other than as described in paragraph (1).

''(B) DISCLOSURES.—Paragraph (1) shall not apply to a registered investment company, or any employee, officer, director, or investment adviser thereof, unless the investment company makes disclosures in accordance with regulations prescribed by the Commission.

''(3) PERSON DEFINED.—For purposes of this subsection the term 'person' includes the Federal Government and any State or political subdivision of a State.''.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall prescribe regulations, in the public interest and for the protection of investors, to require disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940. Such rules shall require the disclosure to be included in the next periodic report filed with the Commission under section 30 of such Act (15 U.S.C. 80a–29) following such divestiture.

SEC. 5. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines is conducting or has direct investments in business operations in Sudan described in section 3(d) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

SEC. 6. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.

(a) CERTIFICATION REQUIREMENT.—The head of each executive agency shall ensure that each contract entered into by such executive agency for the procurement of goods or services includes a clause that requires the contractor to certify to the contracting officer that the contractor does not conduct business operations in Sudan described in section 3(d).

(b) REMEDIES.—

(1) IN GENERAL.—The head of an executive agency may impose remedies as provided in this subsection if the head of the executive agency determines that the contractor has submitted a false certification under subsection (a) after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section.

(2) TERMINATION.—The head of an executive agency may terminate a covered contract upon the determination of a false certification under paragraph (1).

(3) SUSPENSION AND DEBARMENT.—The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts upon the determination of a false certification under paragraph (1). The debarment period may not exceed 3 years.

(4) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each contractor that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification under paragraph (1).

(5) RULE OF CONSTRUCTION.—This section shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

(c) WAIVER.—

(1) IN GENERAL.—The President may waive the requirement of subsection (a) on a case-by-case basis if the President determines and certifies in writing to the appropriate congressional committees that it is in the national interest to do so.

(2) REPORTING REQUIREMENT.—Not later than April 15, 2008, and semi-annually thereafter, the Administrator for Federal Procurement Policy shall submit to the appropriate congressional committees a report on waivers granted under paragraph (1).

(d) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) to provide for the implementation of the requirements of this section.

(e) REPORT.—Not later than one year after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section, the Administrator of General Services, with the assistance of other executive agencies, shall submit to the Office of Management and Budget and the appropriate congressional committees a report on the actions taken under this section.

SEC. 7. SENSE OF CONGRESS ON EFFORTS BY OTHER COUNTRIES.

It is the sense of Congress that the governments of all other countries should adopt measures, similar to those contained in this Act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to authorize divestment from, and the avoidance of further investment in, such persons.

SEC. 8. SENSE OF CONGRESS ON PEACEKEEPING EFFORTS IN SUDAN.

It is the sense of Congress that the President should—

(1) continue to work with other members of the international community, including the Permanent Members of the United Nations Security Council, the African Union, the European Union, the Arab League, and the Government of Sudan to facilitate the urgent deployment of a peacekeeping force to Sudan; and

(2) bring before the United Nations Security Council, and call for a vote on, a resolution requiring meaningful multilateral sanctions against the Government of Sudan in response to its acts of genocide against the people of Darfur and its continued refusal to allow the implementation of a peacekeeping force in Sudan.

SEC. 9. SENSE OF CONGRESS ON THE INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

It is the sense of Congress that nothing in this Act—

(1) conflicts with the international obligations or commitments of the United States; or

(2) affects article VI, clause 2, of the Constitution of the United States.

SEC. 10. REPORTS ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) IN GENERAL.—The Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan at the time the Secretary of State and the Secretary of the Treasury submits reports required under—

(1) the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note);

(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note); and

(3) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701 note).

(b) ADDITIONAL REPORT BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) at the time the President submits the reports required by section 204(c) of such Act (50 U.S.C. 1703(c)) with respect to Executive Order 13,067 (50 U.S.C. 1701 note; relating to blocking property of persons in connection with the conflict in Sudan's region of Darfur).

(c) CONTENTS.—The reports required by subsections (a) and (b) shall include—

(1) a description of each sanction imposed under a law or executive order described in subsection (a) or (b);

(2) the name of the person subject to the sanction, if any; and

(3) whether or not the person subject to the sanction is also subject to sanctions imposed by the United Nations.

SEC. 11. REPEAL OF REPORTING REQUIREMENT.

Section 6305 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 172) is repealed.

SEC. 12. TERMINATION.

The provisions of sections 3, 4, 5, 6, and 10 shall terminate 30 days after the date on which the President has certified to Congress that the Government of Sudan has honored its commitments to—

(1) abide by United Nations Security Council Resolution 1769 (2007);

(2) cease attacks on civilians;

(3) demobilize and demilitarize the Janjaweed and associated militias;

(4) grant free and unfettered access for delivery of humanitarian assistance; and

(5) allow for the safe and voluntary return of refugees and internally displaced persons.

Passed the Senate December 12, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislation, and I thank Congresswoman BARBARA LEE for all of her work, as well as everyone on the committee, for bringing this bill to the floor of the Congress today.

I rise in support of this bill to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, as well as to prohibit United States Government contracts with any such companies.

Several years ago I traveled with a bipartisan Congressional delegation to see firsthand the site of the ongoing genocide in Darfur, and to meet in person with the refugees—people displaced from their homes because of targeted political violence. At that time, 250,000 people had already been murdered or had died from subsequent malnutrition and disease. Another 2 million people had already been displaced.

I returned from that trip outraged with the conduct of the Government of Sudan. Not only did the Sudanese Government refuse to protect the innocent people caught between the rebels and the government, but it was also actively involved in the raping, maiming and killing of these refugees.

I returned with the hope that our Nation would do everything possible to bring this nightmare to an end. But not enough has been done. The murders and the rapes continue in Darfur, and in response, the American people want us to do more to help bring this genocide to an end.

Therefore, we in Congress must pass this bill today so that State and local governments will be able to divest from companies that continue their financial ties with Sudan. We must also ensure that the Federal Government is not complicit in the horrendous conduct of the Sudanese Government through our use of government contracts.

By passing this resolution, we will stand with the thousands of religious groups, churches, humanitarian and community organization, and State and local governments—all of whom are coming together to send a message about the ongoing genocide in Darfur—not on our watch.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a very important piece of legislation on one of the gravest subjects facing the world: the terrible genocide in Darfur.

Mr. Speaker, I want to begin by yielding such time as she may consume to a former member of our committee, the gentlewoman from California (Ms. LEE), who was from the beginning the major force behind this legislation.

Ms. LEE. Mr. Speaker, I rise in support of S. 2271, the Sudan Accountability and Divestment Act. First, let me thank Chairman FRANK.

As Chair of the Financial Services Committee, I have just got to say you didn't have to do this, but you did.

This took many, many months to negotiate. Chairman FRANK understands very clearly that this bill will put the United States on the right side of history in our efforts to end this genocide in Darfur.

So I just want to thank the Financial Services Committee under your leadership. I want to thank Ranking Member SPENCER BACHUS, Mr. GUTIERREZ, and all of those who really made sure that this happened in a bipartisan way. So thank you again, Congressman FRANK and Ranking Member BACHUS, for your leadership but also for your commitment. Your moral commitment, your intellectual resources have been put on the table to get this done. So thank you so much.

I want to also take a few minutes just to thank a few more people because this is a bill that has been a bipartisan bill, and it has been tough to negotiate; but it happened finally. First, I have to say that my colleagues in the other body, Senator DODD, Senator DURBIN, Ranking Member SHELBY of the Senate Banking Committee, I have to congratulate them and thank them for working together in a bipartisan fashion on this bill. Initially it was actually, when it left this House, H.R. 180, the Darfur Accountability and Divestment Act, better known as DADA. And for the most part, 90 percent of DADA remains intact thanks to our negotiators and thanks to our staff.

The staff has been phenomenal. Daniel McGlinchey, Jim Segel, Katie Lavelle, and I want to thank all of our staff for their efforts and I have to especially acknowledge Christos Tsentos on my staff who has gone way beyond the call of duty to make sure that this bill came out in the form that it came out where we all could support it.

Also, a former staffer, Aysha House-Moshi, her tireless effort, her inspiration and her pushing, pushing, pushing helped us draft the original DADA bill.

And I must acknowledge Congressman DON PAYNE, Chair of the Africa Subcommittee. I've got to say that his leadership on Sudan has been phenomenal. He authored the initial legislation over 3 years ago that declared the genocide taking place was a genocide in Darfur. Representative WOLF, Senator BROWNBACK, in a bipartisan way Members in both bodies have come together to not only declare that genocide is taking place but also to do the things that we need to do to make sure that it ended. So I want to thank you also for your leadership.

Also, let me just say to Speaker PELOSI and Majority Leader STENY HOYER, they have been such phenomenal leaders, as leadership in this body and as great human beings. I have visited the refugee camps on three occasions, once also with Speaker PELOSI and once with Majority Leader HOYER. They saw the devastation. They saw the tragedy. They saw the glare in the refugees' eyes. They heard the stories of men, women, and children being run out of their villages. They saw the pictures that children painted of bombs coming down into their villages and the janjaweed on horseback coming through burning their villages. So Speaker PELOSI and Majority Leader HOYER saw this firsthand with so many Members of this body. So I just want to thank them for following up and for making sure that we were able to bring this bill to the floor.

The religious community, the students, the Save Darfur Coalition, STAND, the NAACP, the American Jewish World Service, the National Association of Evangelicals, and the Genocide Intervention Network and the Sudan Divestment Task Force, I cannot say enough about these outside organizations because they have been the wind beneath our wings here. They got it early. They got it early. So I just have to thank them, including Sam Bell, Adam Sterling, Allyson Neville, and Nina McMurry with the Sudan Divestment Task Force for their work because sometimes these negotiations got very difficult, but they hung in there and they were very realistic and yet very principled in how they moved forward.

With each decision to divest, our constituents send a very loud and clear message to Khartoum that they won't fund genocide, not on our dime, not on our watch. Already in our Nation there have been 58 universities, 22 States, and 11 cities. All of these have divested. So this bill allows these divestment movements to move on. This is an impressive track record, Mr. Speaker, and it really deserves our recognition.

Briefly, this bill, one, authorizes States and local governments and universities to divest from companies doing business in the military, the power production, the oil-related, and

mineral extraction industries in partnership with the Khartoum Government of Sudan. It also authorizes States, local governments, and universities to prohibit new contracts with such companies. It provides safe harbor to mutual funds and pension plans choosing to divest their assets in such companies and also prohibits the Federal Government from entering into new Federal contracts with these offending companies.

Let me be very clear. This bill does not require anyone to divest. Even when it comes to Federal contracts, we provide the President with waiver authority in the event of a national security emergency. Further, this bill is designed to protect and encourage our Governors, State legislators, our mayors, our provosts, and our deans to divest their assets from Sudan and express their outrage with the ongoing genocide in Darfur.

No one should have to worry that their pension or retirement funds are supporting genocide. So by passing this legislation today, we can help achieve that goal and at the same time send a message to Khartoum and to the companies that are enabling, enabling the genocidal regime. Not on our watch, not on our dime. Taken together with the over $1 billion in humanitarian assistance and peacekeeping money we passed last night and the diplomacy efforts of this administration, divestment is one part of a comprehensive bipartisan strategy that we are pursuing to end the genocide.

So we must continue also to urge all parties to lay down their arms, come to the table to negotiate a political solution. We must continue support for the rapid and unconditional deployment of a United Nations/AU hybrid force, along with free and unfettered access for humanitarian groups to continue to provide humanitarian assistance.

Mr. Speaker, 13 years ago the world stood by as nearly 1 million people were slaughtered in the genocide of Rwanda. And the best our country could do, the best we could we do was apologize, and that was after the fact. Today the people of Darfur who are suffering and dying need this bill. They need it because another genocide is occurring. And, again, as I said, I have witnessed this three times in the camps, and I have heard these stories. I have seen the devastation from the survivors. Nearly 3 million refugees are in the camps now. So I must say there must be no apologies this time because we must sign this bill into law. The President needs to do the right thing. He needs to listen to bipartisan, bicameral support from Congress for divestment and sign this.

This really is, Mr. Speaker, the moment of truth. This is the moment of truth. Let's stop the rhetoric and do something, do something now that we have declared for 3 years genocide taking place. We need to put the United States on the right side of history. Divestment worked in South Africa when our former colleague and my mayor now, Ron Dellums, when he led the effort in the 1980s. It can work now in Sudan. So I urge the President to join us in saying to the Government of Khartoum not on our watch, not on our dime.

So let me again thank Chairman FRANK for his leadership on this important legislation. Let me thank all those on the other side of the House for their commitment to make sure that this became a bipartisan bill and that we take the right step, put our country on the right side of history and say ''no'' to the Sudanese Government, ''yes'' to ending this genocide, and let us urge the President to sign this bill into law.

□ 1400

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

Congresswoman LEE has, I think appropriately, mentioned several Members who have worked hard on this legislation. And historically in this Congress the House has come together to work very hard in a bipartisan way, not always successfully. Several years ago, we passed a capital market sanction unanimously out of the House. It went to the Senate, and unfortunately it died there.

We're voting on legislation that passed the House this last July with a vote of 418–1. It supports the decisions of State and local legislatures and fund managers to divest from companies doing business in Sudan. However, the bill before us today does not require the government to create or be the source of a ''black list'' for such companies. We all know the SEC had some problems with maintaining such a list, and at times was inaccurate. For this reason, the Senate version is more acceptable to the administration and to many of us in the House.

Some have said today's legislation is too little, too late, but that certainly is not the case for more than 1 million innocent men, women and children who have somehow survived the genocide and slaughter in Sudan. We can't rewrite history or save lives already lost in Darfur; however, we can and we must resolve to do better going forward. This legislation has the potential to give hundreds of thousands of peaceful and unarmed men, women and children in Darfur an increased chance of surviving the genocide.

Economic and financial considerations in the past have halted some of us in the House from using our efforts against the Sudan Government. They've been used to block and water down our Sudan capital markets legislation in the past.

Economic and financial considerations are important, but in a loving Nation, such considerations can never be used as a justification for turning a blind eye to genocide. Closing our financial markets to those who participate directly or indirectly in the slaughter of innocent human beings is well within our ability and ought to be a bedrock principle of our Nation.

America is a loving Nation, and allowing our financial markets to be utilized by an evil, and that's a strong word, but in this case it fits, an evil regime which conducts religious and racial genocide is inconsistent with our values and our principles.

This legislation will help put strong pressure on the Government of Sudan that has consistently engaged in genocidal actions both directly and as an enabler of paramilitary factions that are harassing and killing people in Darfur and elsewhere in Sudan on a daily basis.

It is vital to keep the pressure on Khartoum, both because of the bait-and-switch games it regularly plays with the rest of the world, and has done so for years, pretending to make strides to end the genocide, and then going back on its word when the world's outrage is temporarily spent. The latest outrage involves refusing to allow the deployment of non-African United Nations peacekeeping troops, due in two weeks, which it previously had agreed to accept.

The objective of this legislation is one that those of us on our side wholeheartedly embrace. In fact, three of our Members who have been to Sudan and have consistently for years worked in the slaughter there will speak in support of the legislation. Their advice and counsel on the legislative proposal has been invaluable.

Passage of this legislation will give a strong expression of Congress' outrage over the continued genocide in Darfur.

At this time, I would like to recognize the gentleman from Virginia (Mr. WOLF), who really has been a passionate crusader against the outrage that we now know as Darfur, and I recognize him for such time as he may consume.

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

Mr. WOLF. I want to begin by thanking the chairman and the ranking member for bringing the bill up, and also to Congresswoman BARBARA LEE for the effort here. And hopefully this bill will be signed certainly before Christmas.

I think as we talk about the bill today, we should remember that genocide did take place, and in a certain respect continues to take place as we now stand here at this time.

Also, keep in mind, when talking about the Sudan Government, Osama bin Laden lived in Sudan from 1991 to 1996. And the same government that is there now invited Osama bin Laden to live there. And Carlos DeJackal and many other evil people have been in that country for a long period of time.

This bill, the Sudan Accountability and Divestment Act, takes a very important step to pressure the Sudanese Government to halt the violent genocide, which continues in many respects. It authorizes State and local

governments to divest assets in companies that conduct business in Sudan. It also prohibits the U.S. Government from contracting with companies which conduct business in Sudan. And there are many companies that are doing business. There are many foreign companies, some American companies, a lot of Chinese companies. So this is not set up to do something for something that may happen. There are companies today that are doing business and prospering there.

Many have asked how to be involved in stopping the genocide. One answer is to pass this bill. Targeted disinvestment is a powerful tool. It is important to understand that targeted disinvestment is the removal of investment money from companies that are directly or indirectly helping the Sudanese Government perpetuate genocide. There are Chinese companies that are actually helping; some have sold weapons, some have sold Hind helicopters, some have sold other equipment that is helping with regard to this.

Since the ultimate intent of Sudan disinvestment is to protect the victims of genocide, it is important to tailor the disinvestment to have the maximum impact on the Government of Sudan's behavior and minimal harm to innocent Sudanese. Such targeted disinvestment excludes companies involved in agriculture, production and distribution of consumer goods or activities intended to relieve human suffering.

Many States, and they should be applauded, including California, Connecticut, Illinois, Maine, New Jersey, and Oregon, have already moved to divest from companies doing business in Sudan. More States should act.

In closing, I want to again thank the Disinvestment Task Force. I would hope there would be a rollcall on this as a message so everyone knows. And again, I want to thank Congresswoman BARBARA LEE for her persistence and effort to bring this up and pass this.

Keep in mind, as you're voting today, and hopefully there will be, with the chairman, look up there. This will really send a message to the Sudan Government. And there is genocide taking place today as we now vote.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentlewoman from California.

Ms. LEE. I want to thank the gentleman for yielding, and I want to once again acknowledge the leadership of Congressman WOLF and Congressman BACHUS.

I served for many years on the Financial Services Committee and had the privilege to work with SPENCER BACHUS on many, many bills and legislation, including debt relief. And I just wanted to thank him on this one issue because I know this comes from his values, not only as a legislator, but as a human being who wants to see humankind live, and live in peace and harmony without the devastating effects of genocide in their country. So, I want to thank you again, Congressman BACHUS.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I want to join in thanking the people that have been thanked, particularly members of the staff, Mr. Tsentas, Mr. McGlinchey and Mr. Segel, because this took a great deal of work. This was one of those issues where there was a great deal of agreement in principle, but where a lot of work had to be done to translate that principle here in the House. And it was a case where the House took the lead, the Senate then acted, and some negotiation took place.

There was some resistance, I am sad to say, from the administration. The State Department was busy getting Senators to hold us up for a while. But a good deal of good lobbying took place on a bipartisan basis. And many Republicans in the Senate resisted this effort to hold it up, and as a result we have a bill that does what it should do. And I want to be clear what that is.

We are not here compelling anyone to divest. We ran into a situation in which a large number of Americans, revolted by the massive violation of basic human principle that has gone on in Sudan, engaged in by the Government of Sudan, sadly, protected in some ways by the Government of the People's Republic of China, too little resisted by other African nations, too little resisted, in particular, by some in the Arab world who, sadly, it seemed to me, allowed ethnicity to influence them, and for a variety of reasons there has not been the mobilization of international protection for these innocent victims of genocide that there should have been.

What we have is a situation where a number of Americans said, I cannot in any way be part of this. And they approached those entities who invest money on their behalf. As we know, much of the investment that goes on in this country is done not by individuals directing their own investments, but through third parties, mutual funds, pension funds, other entities. And they were told, those who wanted to divest, Oh, we can't do that. We can't honor your moral conviction because we have an obligation to make as much money for you as possible. And indeed, there were invocations of potential lawsuits if, in fact, a mutual fund or pension fund were to say, Look, we're not going to divest in this way or stay an investment fund. We didn't think that those were real threats, but we figured we had to act.

So, what this bill does is not to compel anybody to do anything. It empowers individuals who want to withdraw their funding from this genocide. It empowers entities that want to withdraw funding to do so without fear of lawsuit. And I think it is a solution that looks at how the marketplace works and uses that set of institutions and the law in a reasonable way.

I cannot understand why we ran into the resistance that we did. And I don't think bureaucracy is a bad thing. Bureaucracy is an essential part of civilized governance. But bureaucracy in the bad sense, bureaucratic resistance in the bad sense, slowed this bill up. People have said, It's too late. I agree. It should have happened a long time ago. It certainly should have happened earlier this year. There was resistance that shouldn't have come from the State Department. There was some concern by the Treasury. They were excessive.

I am very proud that both Houses have now overwhelmingly said, No, enough is enough. We're going to go forward. And we wish we could do more to stop this mass murder, but we can at least allow Americans to withdraw from any participation. And we hope that the cumulative effect of this and elsewhere would be to force a withdrawal.

And there is one very important point. We have sometimes, when the United States Government expressed its revulsion at violations of human rights, people have tried to say, Well, that's just the government. That's not the people. This empowers the American people. When there are withdrawals as a result of this, it will be coming from State and local governments and individual citizens. So no one will be able to deny the concentrated force of this, and we hope that adds to its moral impact.

So, I do intend to ask for a recorded vote on this because I hope we will have an overwhelming demonstration, once again, virtual unanimity, if not complete unanimity, that will send a message that will help get the bill signed. And particularly to the Government of Sudan and to those governments, and that includes some in the Arab world, it includes the People's Republic of China, they will understand the extent to which, across party lines, across ideological lines, they have instilled in the American people the feeling of revulsion. And they should understand our determination to do whatever we can to put an end to this terrible set of events.

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

Mr. BACHUS. Mr. Speaker, I would like to acknowledge Congresswoman LEE's kind remarks. I very much appreciate the fact that she and I have cooperated so many times on these issues.

Chairman FRANK, on this issue, has been wonderful, and I commend him. Also, a member of his staff, Jim Segel, I would like to acknowledge Jim, and represent all the Democratic staff. And Joe Pinder and our staff, I congratulate them on the fine job they've done.

At this time, I would like to call on two of our Members, both Representative CHRIS SMITH of New Jersey and also Representative ROS-LEHTINEN. ILEANA has been very active and personally involved in this issue.

At this time, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

□ 1415

Mr. SMITH of New Jersey. I thank my good friend for yielding. I am pleased to join my colleagues on both sides of the aisle in supporting S. 2271, the Sudan Accountability and Divestment Act of 2007, which will make yet another contribution and another effort at ending this horrific genocide in Darfur that according to the United Nations as resulted in the deaths of over 200,000 people, while others put the death toll as high as 450,000 with about 2.5 million people displaced. Like many of my colleagues, I have visited Darfur. I have been to Mukjar and Kalma camp.

And I have actually had a face-to-face with General Bashir, the President, the dictator in Khartoum, pushing for peace, pushing for an end to this slaughter. And I have seen firsthand, like many of my colleagues, the unspeakable agony and the devastation, whole families exterminated, entire villages killed, women raped. It is beyond words how much sufferings has been endured—you can see it on the survivors' faces. I would also point out to my colleagues that the United States has not been lax. or underengaged. Can we do more, you bet. Nevertheless USAID, the U.S. Department of State and President Bush himself, our special envoy Andrew Natsios have been very robust in their efforts to try to mitigate the suffering and hopefully to this crisis as well.

The Bush administration took the lead at the U.N.; I would remind my colleagues, in arguing for deployment of a peacekeep force which yielded fruit on July 31 with the authorization of a United Nations-African Union hybrid peacekeeping force that hopefully will begin to get some significant deployment beginning on January 1 to replace the AU force of about 7,000. About 20,000 military, 6,000 police, will form the core of that force; and the sooner they get in there to protect, the better.

Let me also point out to my colleagues that on May 29, 2007, the President ordered the U.S. Treasury to block the assets of three Sudanese individuals involved in the violence and to sanction 31 companies owned and controlled by the Government of Sudan. This legislation builds on this bipartisan effort to say, enough is enough. As Ms. LEE said a moment ago, we looked askance when the Rwandan genocode accrued—killing by the Hutus of the Tutsis and it was Bill Clinton who did apologize, and the Secretary of the United Nations Kofi Annan also had to apologize because we sat idly by and did nothing even though General Dallaire gave us a clear and compelling heads-up, he was, you will recall, the U.N. peacekeeping leader at the time in Rwanda, and we did nothing.

And we also did nothing for years in the Balkans, another genocide that killed innocent people in Bosnia and Croatia. Hopefully, we have learned from that. As a matter of fact, one of the AU peacekeepers that I had met with, who served in Sarajevo and was also serving in Darfur, saw the parallels of nonaction and was very much concerned that it was deja vu all over again. Hopefully, this legislation pushes the ball further down the court so we can protect innocent lives.

As my colleagues know, the bill today prohibits the U.S. Government from entering into or renewing any contract for the procurement of goods and services with any company conducting business operations in Sudan, directs the Security and Exchange Commission to require that all companies trading securities that directly or through a parent or a subsidiary company conducting business in Sudan must disclose the nature of their business operations in Sudan and does some very other important things.

Let me point out to my colleagues, too, that just last week, the Human Rights Council, which was supposed to replace the egregiously flawed Human Rights Commission, has now disbanded a very important working group of experts that had chronicled compelling evidence and testimony about the genocide. The U.N. failed to renew the group's mandate and just did away with it under pressure. The Council continued their special rapporteurs mandate, but they got rid of this very important working group.

Mr. FRANK of Massachusetts. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 5 minutes remaining. The gentleman from Alabama has 7½ minutes remaining.

Mr. BACHUS. I recognize the gentleman from New Jersey (Mr. SMITH) for an additional 2 minutes.

Mr. SMITH of New Jersey. I thank Mr. BACHUS for yielding further, Mr. Speaker. I just want to read one witness's comment regarding the Human Rights Council, He testified and said: ''We, the victims of Darfur, were hoping so much that this new Human Rights Council would give us a voice and make a difference in our lives. Yet the genocide continues. Time is running out. We need action. Our humanitarian situation is critical. Our security situation worsens every day. The janjaweed are killing and raping us. The innocent civilians of Darfur are in desperate need of protection. We need action, and we need it now.''

Finally, I call on each Member to support this bill—this has to be a strong bipartisan vote. You know, we are often criticized for the excessive partisanship of this Congress which is largely true. This is one area where we can close ranks and do what is right on behalf of a very, very much-suffering people. I thank my friend for yielding that extra time.

Mr. BACHUS. Mr. Speaker, at this time I would like to yield all additional time to Ranking Member ROS-LEHTINEN of the International Relations Committee for her knowledge and her fine work.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 6 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank Mr. BACHUS and Mr. FRANK for their leadership on this critical issue. And I am proud to rise in strong support of the bill before us, Senate bill 2271, the Darfur Accountability and Divestment Act. The timing of this bill is critical, Mr. Speaker, because as we speak, the United Nations is engaged in yet another effort to convince the regime in Khartoum to stop its foot-dragging and finally facilitate the deployment of a robust United Nations-African Union hybrid peacekeeping force in Darfur. It has been 4 months since this force was approved by the United Nations Security Council, 4 months. And according to the timeline set by Security Council Resolution 1769, the hybrid mission is expected to take over full operational control from the overextended and underresourced African Union peacekeeping mission at the end of this month. But here we are more than halfway through this month, and the chances of this happening appear bleaker than ever.

True to form, Khartoum has reneged on its promises and effectively blocked international efforts to get a credible peacekeeping mission deployed to Darfur. First, they rejected the deployment of non-African forces into Darfur. Then they failed to provide land for bases. Then they imposed onerous restrictions on air travel for the mission. And, finally, they resorted to impounding critical U.N. communications equipment and insisted that they have the right to jam the peacekeeping mission's communications for what they called ''security purposes.''

Never before have I seen a country being given ostensibly a veto over the selection of peacekeeping troops to be deployed pursuant to a binding chapter 7 resolution. Never before have I encountered a regime with the audacity to suggest that it has the right to jam U.N. communications so that it can continue conducting attacks in violation of a cease-fire agreement against the very people the peacekeeping mission has been sent to protect. This is completely unacceptable.

In response to the Khartoum regime's continued games, the United States representative to the U.N. has once again referenced the need for the imposition of broader Security Council sanctions against Sudan. This is a welcome development, and I urge all members of the Security Council, including China, to follow suit and to finally impose crippling sanctions against the murderous regime in Khartoum.

But given the inability of the U.N. to take effective action against Khartoum, I am not holding my breath. Instead, let's encourage our colleagues today to join us in an effort to inflict real financial pain upon the genocidal regime by supporting the bill before us, Senate bill 2271, the Darfur Accountability and Divestment Act. It allows

State and local governments to divest from companies whose business dealings directly benefit Khartoum while providing safe harbor for fund managers who choose to divest.

I thank Mr. BACHUS and Mr. FRANK again for their leadership on this issue, and I urge all of my colleagues to vote ''yes'' on this important bill before us.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, before yielding to my last two speakers, I do ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 2271.

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

There was no objection.

Mr. FRANK of Massachusetts. I yield 3 minutes to a very hardworking member of our committee who has a great deal of concern for this issue, the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Thank you, Mr. Chairman. I appreciate the fact that this Congress is taking some action. And if this cause is just, it will eventually triumph, in spite of all of the deaths, disease, doubts and disappointments. If this cause is just, and I believe that it is, it will eventually triumph, in spite of all of the rapes, all of the apathy, all of the cynicism, and all of the ''look the other way'' by nations in the region and, in fact, around the world.

This tragedy in Darfur shows that genocide is better at abolishing people than people are at abolishing genocide. One speaker earlier mentioned the Balkans. And so genocide is not new. This is not new. The main reason history repeats itself is because the world didn't pay attention the first time. And it seems to me that this provides us with an opportunity to stand up any time we begin to see that genocide is occurring anywhere around this planet.

In the war of right and wrong, the United States of America, and certainly this Congress, cannot afford to be neutral. Some businesses in the United States and around the world are probably like a catsup bottle. We may need to slap them on the bottoms a few times to get them moving. I think this legislation will, in fact, do that; and I commend the sponsors and the chairman and the ranking member of our committee, as well as Ms. LEE from California, for standing up and making sure that when the United States can make an impact in the world, we, in fact, do.

Mr. FRANK of Massachusetts. Mr. Speaker, I didn't want to just echo what my friend has said, and so I yield myself 30 seconds. My appreciation for the fact that we on both sides here, the majority and minority on the committee, were able to work so well together, and I mentioned some staffers, Mr. Pinder of the minority staff working well with Mr. Segel, Mr. McGlinchey and Mr. Tsentas and this is very well drafted legislation. I am very proud of it. It achieves a moral purpose in a very thoughtful way.

Mr. Speaker, I submit the following exchange of letters on S. 2271:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 14, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, S. 2271, the Sudan Accountability and Divestment Act of 2007. I understand that are certain provisions of this legislation as passed by the Senate that fall within the Rule X jurisdiction of the Committee on Foreign Affairs. Provisions within the jurisdiction of the Committee include sections 7, 8, 9 and 10 of the Senate passed bill.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation and clear it for the President, I am willing to waive this Committee's right to an additional referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

I would ask that you place this letter into the Congressional Record when the Committee has S. 2271 under consideration.

Sincerely,

TOM LANTOS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, December 14, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning S. 2271, the Sudan Accountability and Divestment Act of 2007. The Senate passed this bill on December 12, 2007, and it is my expectation that this legislation will be scheduled for floor consideration shortly.

I recognize that certain provisions in the bill fall within the jurisdiction of the Committee on Foreign Affairs under Rule X of the Rules of the House of Representatives. These provisions include sections 7, 8, 9, and 10. However, I appreciate your willingness to forego action on S. 2271 in order to allow the bill to come to the floor expeditiously. I agree that your decision will not prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this or similar legislation.

I will include this exchange of correspondence in the Congressional Record when S. 2271 is considered by the House. Thank you again for your cooperation in this important matter.

BARNEY FRANK,
Chairman.

I yield the remainder of my time to the gentlewoman from Ohio, an alumna of our committee.

Mrs. JONES of Ohio. Thank you, Mr. Chairman, for yielding the time. We who believe in freedom cannot rest. We who believe in freedom cannot rest. And today we who believe in freedom must stand up on behalf of the people of Darfur.

It is a wonderful opportunity that we have through Senate 2271 authorizing State and local governments to divest assets in companies that conduct business operations in Sudan. While I want to celebrate the work of the Senate, I must celebrate the work of my colleagues here in the House who have been really carrying this heavy load and pushing folks to move forward on this legislation, to the Chair, to the ranking member, to my good friend, BARBARA LEE, who is always stepping up and saying, if we believe in freedom we must step out and make a difference in our communities across the world.

As we fight terrorism, and make no mistake about it, the violence in Sudan is akin to what happened in Rwanda and Serbia in recent decades, this is a form of terrorism and genocide. We turned our backs on those populations then, but we must assume responsibility now.

The bill would prohibit the United States Government from contracting with companies that engage in business in Sudan. The American dollar should not be put to use to enforce instability and slaughter of civilians. This legislation also authorizes States, local government and universities to prohibit new contracts with such companies.

□ 1430

It provides safe harbor to mutual funds and pension plans choosing to divest their assets and prohibits the Federal Government from entering into new contracts. I have already said that. But I really want also to take the time to thank many of the organizations across this country who have stood up on our behalf. Specifically, the work of the Save Darfur Coalition, STAND, the NAACP, American Jewish World Service, the National Association of Evangelicals, and especially the Genocide Intervention Network and the Sudan Divestment Task Force.

Lastly, I want to say that all 43 members of the Congressional Black Caucus were signatories to this legislation. This is a piece of legislation that was a priority for the Congressional Black Caucus under the leadership of our Chair, CAROLYN CHEEKS KILPATRICK, and we are so proud we have stood so tall and fought this good fight. And, as I said at the beginning: We who believe in freedom cannot rest. We who believe in freedom cannot rest, and we cannot rest until the people of Darfur are taken care of and we are looking out for them and their babies just like we look after our own.

Mr. HOYER. Mr. Speaker, today the House is considering one of the most important human rights measures we have dealt with all year—a bill related to the world's worst ongoing humanitarian disaster, the genocide in Darfur, Sudan. This measure is about changing direction, showing the world that the United States will not stand idly by—as the international community shamefully did in Rwanda in 1994. This measure is inspired by the apartheid-era legislation that this Congress proudly initiated, which helped bring about the end of one of the most cruel, racist, violent regimes in modern history.

Next year marks the fifth anniversary of the genocide in Darfur. That is five years of raping

and pillaging, of displacement of millions of innocent men, women and children. Today, the question that we must ask ourselves as Americans, and as human beings, is this: Will we respond with apathy or with action to stop this ongoing tragedy? I submit that there can be only one answer: We—and by ''we'' I mean the international community—cannot and must not turn a blind eye to the Darfurians' suffering and plight.

Today's measure—the Sudan Accountability and Divestment Act of 2007—is a call to action. It authorizes states, local governments and universities to divest from companies doing business in the military, power production, oil-related, or mineral extraction industries in partnership with the government of Sudan. Further, it provides safe harbor to mutual funds and pension plans choosing to divest their assets in such companies. And finally, it prohibits the federal government from entering into new federal contracts with these offending companies. No longer will Americans have to worry that their tax dollars are going to companies that support the inhumane regime in Khartoum.

The bill we will pass today and send to the President is just one piece of a multi-faceted effort to address the crisis in Darfur. This solution must include not only full and speedy implementation of the United Nations/African Union hybrid peacekeeping force, but also international support for a single, unified peacemaking process. I have been extremely disappointed in both the rebel leaders and government officials who continue to choose violence over peace and have declined to participate in peace talks. However, we must continue to push for progress toward a ceasefire and a viable political solution for this ravaged land. Finally, and equally importantly, a solution in Darfur must include a sustained and secure role for the courageous humanitarian workers, who risk their lives daily because they are so committed to alleviating the suffering of their fellow human beings.

I want to express my sincere gratitude to Congresswoman BARBARA LEE, who has been a leader in this Congress on the issue of Darfur, who traveled with me to Darfur in April, and who sponsored the original Darfur Divestment measure, H.R. 180—which I was so pleased to cosponsor and which passed the House 418 to 1. I urge Members on both sides of the aisle to support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 2271.

The question was taken.

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

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

The yeas and nays were ordered.

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

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Terrorism Risk Insurance Program Reauthorization Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of act of terrorism.
Sec. 3. Reauthorization of the Program.
Sec. 4. Annual liability cap.
Sec. 5. Enhanced reports to Congress.

SEC. 2. DEFINITION OF ACT OF TERRORISM.

Section 102(1)(A)(iv) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking ''acting on behalf of any foreign person or foreign interest''.

SEC. 3. REAUTHORIZATION OF THE PROGRAM.

(a) TERMINATION DATE.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking ''2007'' and inserting ''2014''.

(b) ADDITIONAL PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

''(G) ADDITIONAL PROGRAM YEARS.—Except when used as provided in subparagraphs (B) through (F), the term 'Program Year' means, as the context requires, any of Program Year 1, Program Year 2, Program Year 3, Program Year 4, Program Year 5, or any of calendar years 2008 through 2014.''.

(c) CONFORMING AMENDMENTS.—The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in section 102(7)(F)—

(A) by inserting ''and each Program Year thereafter'' before '', the value''; and

(B) by striking ''preceding Program Year 5'' and inserting ''preceding that Program Year'';

(2) in section 103(e)(1)(A), by inserting ''and each Program Year thereafter'' after ''Year 5'';

(3) in section 103(e)(1)(B)(ii), by inserting before the period at the end ''and any Program Year thereafter'';

(4) in section 103(e)(2)(A), by striking ''of Program Years 2 through 5'' and inserting ''Program Year thereafter'';

(5) in section 103(e)(3), by striking ''of Program Years 2 through 5,'' and inserting ''other Program Year''; and

(6) in section 103(e)(6)(E), by inserting ''and any Program Year thereafter'' after ''Year 5''.

SEC. 4. ANNUAL LIABILITY CAP.

(a) IN GENERAL.—Section 103(e)(2) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in subparagraph (A)—

(A) by striking ''(until such time as the Congress may act otherwise with respect to such losses)''; and

(B) in clause (ii), by striking ''that amount'' and inserting ''the amount of such losses''; and

(2) in subparagraph (B), by inserting before the period at the end '', except that, notwithstanding paragraph (1) or any other provision of Federal or State law, no insurer may be required to make any payment for insured losses in excess of its deductible under section 102(7) combined with its share of insured losses under paragraph (1)(A) of this subsection''.

(b) NOTICE TO CONGRESS.—Section 103(e)(3) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by adding at the end the following: ''The Secretary shall provide an initial notice to Congress not later than 15 days after the date of an act of terrorism, stating whether the Secretary estimates that aggregate insured losses will exceed $100,000,000,000.''; and

(2) by striking ''and the Congress shall'' and all that follows through the end of the paragraph and inserting a period.

(c) REGULATIONS FOR PRO RATA PAYMENTS; REPORT TO CONGRESS.—Section 103(e)(2)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(i) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(ii) REGULATIONS.—Not later than 240 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall issue final regulations for determining the pro rata share of insured losses under the Program when insured losses exceed $100,000,000,000, in accordance with clause (i).

''(iii) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall provide a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the process to be used by the Secretary for determining the allocation of pro rata payments for insured losses under the Program when such losses exceed $100,000,000,000.''.

(d) DISCLOSURE.—Section 103(b) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) in the case of any policy that is issued after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the insurer provides clear and conspicuous disclosure to the policyholder of the existence of the $100,000,000,000 cap under subsection (e)(2), at the time of offer, purchase, and renewal of the policy;''.

(e) SURCHARGES.—Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (7)—

(A) in subparagraph (C), by inserting ''133 percent of'' before ''any mandatory recoupment''; and

(B) by adding at the end the following:

''(E) TIMING OF MANDATORY RECOUPMENT.—

''(i) IN GENERAL.—If the Secretary is required to collect terrorism loss risk-spreading premiums under subparagraph (C)—

''(I) for any act of terrorism that occurs on or before December 31, 2010, the Secretary shall collect all required premiums by September 30, 2012;

''(II) for any act of terrorism that occurs between January 1 and December 31, 2011, the Secretary shall collect 35 percent of any required premiums by September 30, 2012, and the remainder by September 30, 2017; and

''(III) for any act of terrorism that occurs on or after January 1, 2012, the Secretary shall collect all required premiums by September 30, 2017.

''(ii) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall issue regulations describing the procedures to be used for collecting the required premiums in the time periods referred to in clause (i).

''(F) NOTICE OF ESTIMATED LOSSES.—Not later than 90 days after the date of an act of terrorism, the Secretary shall publish an estimate

of aggregate insured losses, which shall be used as the basis for determining whether mandatory recoupment will be required under this paragraph. Such estimate shall be updated as appropriate, and at least annually.''; and

(2) in paragraph (8)—

(A) in subparagraph (C)—

(i) by striking ''(including any additional amount included in such premium'' and inserting ''collected''; and

(ii) by striking ''(D))'' and inserting ''(D)''; and

(B) in subparagraph (D)(ii), by inserting before the period at the end '', in accordance with the timing requirements of paragraph (7)(E)''.

SEC. 5. ENHANCED REPORTS TO CONGRESS.

(a) STUDY AND REPORT ON INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

''(f) INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—

''(1) STUDY.—The Comptroller General of the United States shall examine—

''(A) the availability and affordability of insurance coverage for losses caused by terrorist attacks involving nuclear, biological, chemical, or radiological materials;

''(B) the outlook for such coverage in the future; and

''(C) the capacity of private insurers and State workers compensation funds to manage risk associated with nuclear, biological, chemical, and radiological terrorist events.

''(2) REPORT.—Not later than 1 year after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing a detailed statement of the findings under paragraph (1), and recommendations for any legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Comptroller General considers appropriate to expand the availability and affordability of insurance for nuclear, biological, chemical, or radiological terrorist events.''.

(b) STUDY AND REPORT ON AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

''(g) AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—

''(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether there are specific markets in the United States where there are unique capacity constraints on the amount of terrorism risk insurance available.

''(2) ELEMENTS OF STUDY.—The study required by paragraph (1) shall contain—

''(A) an analysis of both insurance and reinsurance capacity in specific markets, including pricing and coverage limits in existing policies;

''(B) an assessment of the factors contributing to any capacity constraints that are identified; and

''(C) recommendations for addressing those capacity constraints.

''(3) REPORT.—Not later than 180 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit a report on the study required by paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.''.

(c) ONGOING REPORTS.—Section 108(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''ongoing'' before ''analysis''; and

(B) by striking '', including'' and all that follows through the end of the paragraph, and inserting a period; and

(2) in paragraph (2)—

(A) by inserting ''and thereafter in 2010 and 2013,'' after ''2006,''; and

(B) by striking ''subsection (a)'' and inserting ''paragraph (1)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

First, I would like to extend thanks and appreciation for the effort and hard work of Mr. BACHUS and Mr. BAKER, as well as Mr. KANJORSKI, Mrs. MALONEY, the extraordinary efforts of my friend from New York, PETE KING, and of course to Chairman FRANK for his extraordinary leadership, as well as the entire New York legislative delegation, including our friends from New Jersey and Connecticut, who all know firsthand the anguish and the pain of regions suffering from a terrorist attack.

Mr. Speaker, the legislation before us today, the Terrorism Risk Insurance Revision and Extension Act, with Senate amendments, is not the outcome that most of us in the House on both sides of the aisle had wanted. In September, after a series of subcommittee and full committee hearings, a field hearing, and following both subcommittee and full committee markups, the House overwhelmingly passed H.R. 2761 by a strong bipartisan margin of 3–1. H.R. 2761 would have extended TRIA for 15 years. It would have eliminated the distinction between foreign and domestic acts of terrorism. It would have included coverage for human beings by adding group life, and for nuclear, chemical, biological, and radiological, the so-called NCBR attacks. Most importantly, H.R. 2761 included a reset mechanism, which would have addressed the types of increased capacity shortages that we have already seen following major terrorism attacks against our country.

I want to be clear about this. The reset mechanism is not a New York provision. In negotiations with Mr. BAKER of the minority, we worked out the reset mechanism that would be triggered for any future catastrophic attack anyplace in America. Under the reset, if, heaven forbid, our country does suffer another catastrophic attack, the nationwide trigger would be reset and the nationwide deductible for any insurer that pays out losses related to that attack would be set at lower levels.

God willing, New York will never suffer a second time, and, God willing, your State will never suffer a catastrophic attack such as 9/11. But if it does, then you too would enjoy the so-called ''benefit'' of being attacked a second time by virtue of the existence of the reset mechanism.

Let's take, for example, Alabama; Alabama, that fought so hard and received $130.5 million in Homeland Security grants because it is at risk of an attack by terrorists. We know that for a fact because its Senators and others told us so. God forbid, terrorists blow up the Medical Center at the University of Alabama at Birmingham. Under this legislation, you will be covered. Without a reset, however, after a catastrophic attack, the supply of terrorism insurance could be so scarce that you would not be able rebuild the medical center, which had been in Birmingham, and rebuild it in Birmingham, Alabama. I only pick Alabama, I think, because I went in alphabetical order. Sometimes bad things happen in alphabetical order. I don't read the obituaries because people die in alphabetical order.

In short, the House bill, which included the reset, would have met the needs of our country and prepared the Nation to better cope with some of the grave financial issues that would have arisen if there were another terrorist attack on our Nation.

Mr. Speaker, when the House passed H.R. 2761 in September, we presented the Senate with an historic opportunity to protect our homeland from some of the economic consequences of terrorism, and specifically to safeguard the developers and the insurers and the re-insurers, who will bear the highest financial burden if our Nation is attacked again. The financial stability of these industries is the cornerstone of our economy, and they are absolutely essential to our capacity to recover from an attack.

Sadly, the U.S. Senate didn't seize the opportunity to protect our Nation and our markets. Instead, our colleagues on the other side of the Capitol operated to amend our bill to extend the TRIA program by only 7 years, less than half of the extension period, and to strip out every beneficial provision in our bill, save one. The Senate did accept the House position that the distinction between foreign and domestic acts of terror, in today's world, so often impossible to discern, would be included. Having passed the hollow shell of the bill and having done so only after the House had adjourned for Thanksgiving, our Senate counterparts abandoned the legislative process and they have refused to go to conference.

Now, faced with the choice between accepting a bad bill and disrupting the

U.S. financial markets, the House went to work yet again, Democrats and Republicans, working together, to try to find a compromise with the Senate, and last week we passed a limited but still much-improved TRIA reauthorization over what they had done in the Senate.

The compromise legislation the House overwhelmingly passed last week by a vote of 303–116 acquiesced to the Senate's position on duration as well as coverage for nuclear, biological, chemical and radiological coverage. That compromise bill accepted the Senate's extension of TRIA, which was for only 7 years, and eliminated NCBR coverage. The House held firm, however, to the provisions we felt were absolutely necessary to allow for large-scale development to continue all across our country; the extension of a reset mechanism, group life insurance coverage, and lower program triggers.

Mr. Speaker, the House overwhelmingly passed the compromise TRIA reauthorization last week, and the Senate, as has been so often the case this year, did nothing. And so, today, we are faced with a very difficult reality: We can either accept the Senate's shell of a bill and ensure that our Nation's economy is somewhat protected against terrorist attacks, or we can let the program expire altogether in less than 2 weeks from today. Maybe that is considered good government in some parts of the country, but entrusting our Nation's economy to the terrorist roulette wheel would not be acceptable to the American people and it is not acceptable to the House, and we must do the responsible thing.

The Senate amendments to H.R. 2761 are unhelpful, shortsighted, and represent an unrealistic pre-9/11 outlook. The Senate amendments come from a naive world where there is no risk of terrorism and another attack like 9/11 is impossible. In the Senate's mythical world, developers build stadiums and malls and national landmarks without funding, banks lend money without insurance, insurers underwrite policies regardless of risk, and reinsurers do the same thing on an even larger scale.

In the Senate's fantasy world, the $30 billion in insured losses from 9/11 can be easily underwritten and capitalized because unimaginable losses such as those that would come from an attack with weapons of mass destruction just can't happen, and the reason they can't happen is because the U.S. Senate said so.

Unfortunately, Mr. Speaker, Santa Claus is not going to give America terrorism risk insurance for Christmas, and we don't live with the Easter Bunny in the Senate's Candyland, where catastrophic risk can be comfortably ignored. Saying ''the market will provide'' just doesn't make it true. In the real world, it is critical to both our national security and to our economy that there is no gap in terrorism risk insurance. This House will not leave our Nation's developers, insurers and reinsurers out in the cold when we adjourn for the year.

I therefore urge all of our colleagues to support this legislation out of the necessity to extend the TRIA program past its expiration date, with the understanding that this fight is not over.

We will continue to advocate for those provisions we know are critical to securing our homeland against terrorist attacks; namely, the reset mechanism, group life coverage, lower program triggers and NCBR coverage. To that extent, I have just introduced legislation entitled the Terrorism Risk Insurance Improvement Act that will add the reset mechanism to the TRIA program we are about to authorize here today, and I invite all of our colleagues to join me as cosponsors. We will continue to fight for a fully effective TRIA program until the Senate and the White House get the memo that the war on terror is not only fought on the other side of the world, but on the homefront as well.

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

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

Mr. Speaker, I rise in support of the Senate amendment to H.R. 2761, the Terrorist Insurance Revision Extension Act of 2007. I think the legislation is critical to our Nation's economic security and the proper functioning of the insurance marketplace.

Let me thank Chairman FRANK and his staff and Representatives CAPUANO, PRICE, KANJORSKI and BAKER for all their leadership and hard work on TRIA this year. We would not have enacted TRIA this year had the House not acted several months ago before the Senate and set the stage for this current compromise.

I would also like to acknowledge the strong contributions of Mr. ACKERMAN and the New York City delegation, Mr. KING and Mr. FOSSELLA. I would also like to acknowledge their concern with regard to this bill. We all remember the attack on New York City more than 6 years ago. We are grateful that we have not suffered another attack on the homeland. I think there is recognition among many Members of this body that New York City is a symbol of our financial strength.

□ 1445

It is not only that it is a symbol; it is a gateway to our country for many immigrants and it quite naturally was on September 11, and could be, again, chief among the targets. So I would say to Mr. ACKERMAN, I appreciate your passion and your participation, and we are dealing with a compromise here.

In the absence of further attacks, it would be easy to forget the chaos and the economic disruption that followed in the wake of 9/11 and, more importantly, the loss of life that we all witnessed in a very personal way, but New York City's residents in an even more personal and deadly experience for them.

In 2002, it was fresh in our minds, and we created TRIA, which did help to settle the markets and made possible the strong economic recovery that followed, and TRIA was and remains a central element of our commitment to the American people to do all that we can to ensure the stability of our economy in the event the unthinkable happens again.

In a moment I am going to call on Mr. KING, the gentleman from New York, who worked very hard on this bill. Terrorist acts are aimed at our Nation as a whole. The resulting damage and suffering inevitably fall on a relative few of our communities and citizens. We know that New York City is a primary target of these terrorists. And although I am an ardent supporter of free markets, I believe it is entirely appropriate for our government to minimize economic fallout and disruption sure to arise from any new attack. Terrorism is a relatively new phenomenon in America, and we are dealing with terrorist organizations which have both the intent and the potential to deliver deadly strikes against our homeland.

I reserve the balance of my time.

Mr. ACKERMAN. I yield to the chairman of the full committee 5 minutes, Mr. FRANK, whose extraordinary leadership has kept this issue alive.

Mr. FRANK of Massachusetts. I appreciate the indulgence of my colleagues.

I am glad that we will finally be acting on this. I share the frustration of my friend from New York and, indeed, all of my friends from New York and elsewhere, Connecticut, who wanted a more comprehensive bill. There is a consolation. I think 1 year or so ago there were people who thought even a 7-year extension was much too much and were talking about phasing this out. I am glad that we are moving forward. I want to address those who say, well, this was supposed to be a temporary program until the market could take over. I never believed that. I always wanted this to be a government program.

I am a believer in the market; I believe almost all of us are. I understand how the market principle works in insurance. If you have a greater risk, you pay more; your premiums go up. We do that because we want to discourage people from taking certain risks, or at least make them pay the full cost. We also want to give them an incentive to diminish the risk. Those principles don't apply to terrorism.

I don't want a situation to exist whereby, if you build a large building, because that is essentially what we are talking about here; people can't build large buildings without bank loans, and they can't get bank loans without insurance. I don't want the cost to go up in any particular part of this country because murderous, vicious thugs want to do this country ill.

I don't believe that those who have been the victims of these kinds of terrorism ought to bear that cost. That is

national defense. No more should any one State have to pay to protect itself against an invasion. We should have a national defense system that includes saying, we will hold you harmless against these murderous attacks. And it is, of course, because there is very little you can do to protect yourself against this. What do they do, put anti-aircraft guns on the roof? This is not a case where the market is failing. It is a case where national purpose is what is relevant, not the market.

Now, the other point to make is that I do regret the breakdown in the United States Senate of the legislative process. And, in particular, and I believe that the chairman of the banking committee, the Senator from Connecticut, wanted to move on this, but we were told, partly I think they made a mistake by waiting too long, but then they were told it had to be done unanimously. And we were told that the senior Republican on the committee, the Senator from Alabama, simply refused to deal with this.

Had this been up in the Senate and had the Senate voted ''no'' to nuclear, biological, chemical, and radiological coverage, had the Senate voted ''no'' to group life and the very important provision of our colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), to protect people against discrimination if they wanted to travel to Israel or elsewhere; if the Senate had voted against the reset mechanism, I would have been disappointed, but I would have said, well, that is the way it works. But to have the opposition of the senior Republican mean that no debate or discussion, much less a vote, could take place is a breakdown of the system.

We are in a position where something at this point is better than nothing. But I want to say, as chairman of the Committee on Financial Services, we will begin early next year to try to get this back on the Senate agenda, and I will be urging my Senate colleagues not to put themselves in a position where this kind of one-person veto can prevent, not an outcome, none of us have the right to an outcome, but the American people ought to have a right to debate and discussion.

Now, there is a problem, Mr. Speaker, that I acknowledge, and it is a problem that those of us who have been frustrated by this, really, I mentioned the Senator from Alabama. I disagree with his obstruction. But let's put the blame where it belongs also, on James Madison. We had an election last year, and we elected a new House and we elected one-third of the Senate, and that is part of the problem. We have a House that responded to the election of 2006. We have at this point a House and a Senate each responding to somewhat different electoral impulses. We are here as a result of the election of 2006, every single one of us. Or subsequent special elections, sadly, in some cases.

In the Senate, two-thirds of that Senate was elected in 2002 and 2004. That is the disjunction. And it is not personal in general, it is electoral, and it is a frustration that cannot be overcome easily. But it does make me determined, as I go into the second year of this session, to pay more attention to that need. And we will be doing everything we can again. Again, we cannot guarantee outcome in the Senate or anywhere else, but the American people ought to be able to get the benefit of votes and debate.

So this is a recognition that terrorism insurance, in my judgment, should be here as long as terrorism is here. It is not a case of waiting for the market. It is a case of stepping up, as we should, for national defense purposes. And we will work, and I will be following the lead of my colleague from New York (Mr. ACKERMAN) and others as we try to make this bill an even better bill, reflecting what it was in the House.

Mr. BACHUS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia, a member of our leadership team, Mr. CANTOR.

Mr. CANTOR. I thank the gentleman, and I too thank the gentleman and salute both sides of the aisle in bringing this bill to the floor. And I do rise in support of this bill.

I think, if one thing was clear on 9/11, we saw the unthinkable come to reality. And going forward, given the context of this bill, I don't think there is any way that we can quantify the risk posed by the terrorists in terms of coming up with, God forbid, their next scheme of attack on this country. That is why this bill is so important. Because, in addition to providing a security backstop, this legislation will encourage urban development and will bolster economic growth.

So, Mr. Speaker, again, given the challenges and complexities in a post-9/11 world, we are compelled to consider and pass this legislation, and I would again urge its passage.

Mr. BACHUS. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from New York (Mr. KING), and I would like to acknowledge to him, publicly, and to the New York delegation that most of us in America probably do not realize the contribution and the special nature of the City of New York and its contributions, both financially and I think socially, to the United States. To many around the world, it does represent our leading city and is truly a target. When they target New York City, they target all of us.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Alabama for yielding. And let me at the outset thank him for the courtesy that he has shown me throughout this process. There were several differences that he and I had regarding what the exact nature of the legislation should be, but that never in any way interfered with either our professional or personal relationship. And I want to thank him for that, for his patience, and for the effort he has put in to bring about this final product.

I also want to thank Chairman FRANK for, again, being totally bipartisan in trying to move this legislation forward and for always having an open door, and certainly, in my own case, allowing me to be part of the process from the start. Mr. ACKERMAN has been a stalwart fighter in this issue. And let me identify with certainly the points that Mr. ACKERMAN was making on this issue.

Also, let me thank Adam Paulson on my staff for putting in an extreme amount of time on this, on an issue that can be very mind-bending at times and at the same time is extremely, extremely vital for the rebuilding not just of New York City but for the protection of our entire Nation.

So let me say at the outset I support the legislation, and I will vote for it. I am glad that it is moving forward. I am glad we have the 7-year extension. It is certainly far better than what was being spoken of last year, which was either a phasing out all together or perhaps a 2-year extension.

Having said that, I agree with Mr. ACKERMAN that I wish this were for a 15-year term rather than 7, and I wish that the reset provision had not been taken out by the Senate. The 15-year provision in particular I fought for in the committee. It was a hard-fought battle. The vote was 39–30, but everything was on the table. We had the vote. If we had lost it, we would have lost it; but the fact is, we won it. And when the bill itself came to the House floor, it passed by an overwhelming vote.

I am not trying to impose our rules on theirs, but I really wish on an issue of this magnitude the Senate would have allowed that full breadth of democracy to play itself out to allow the people to be heard on this issue. Because, as Mr. ACKERMAN said, this is not a New York issue. It is an American issue; it is a national issue. It is an issue of national security and homeland security. And by making this 7 years rather than 15 years, by eliminating the reset provision, we have put New York in a weakened position, or certainly in not as strong a position as it should be. And by doing that, we are basically telling the terrorists that we will not give the same level of support that we should be giving. We are in effect allowing them to pick the playing field here. And we have to keep in mind that, yes, it was New York on September 11. It could be any other city or State at any time in the future. And as the former chairman of the Homeland Security Committee, as the ranking member of the Homeland Security, Mr. Speaker, I do receive regular briefings. I know how real these threats are. I also know that, no matter what analysis is used, New York is clearly number one on the target list of the Islamic terrorists.

So this legislation is vital, and it was so important that the other provisions,

the reset and the 15-year time period, be included. They were not. Having said that, this is still significant that we are going forward today. And I would hope that we can revisit it in the future, but again it is important that we pass this before it expires on December 31. It is important, again, for the people of New York, but also for the people of America. And if the rebuilding is to go forward, it is going to be difficult because certain provisions have been eliminated, but, again, we will find a way to go forward.

Again, I want to thank Mr. FRANK, Mr. BACHUS, Mr. ACKERMAN, all the members of the New York delegation and most of the members of the New Jersey and Connecticut delegations who stood together. Again, somewhat of a victory today, but let's work together in the future to have a total victory that we need, not as New Yorkers but as Americans.

Mr. ACKERMAN. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from New York has 5 minutes remaining; the gentleman from Alabama has 11 minutes remaining.

Mr. BACHUS. Mr. Speaker, at this time I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I opposed both the earlier versions of this bill, of the TRIA bill, but I support this one. This bill is shorter in duration, and it requires more participation by the private sector. Effectively, in the bill the Federal Government is a backstop, a reinsurer facilitating and allowing a private market in terrorism risk insurance.

Now, some that we have heard today say that in this bill the Federal Government doesn't do enough. I disagree. I think it is the goal of this bill, and the goal of this act should be, to facilitate a private market, not to stand in for or subsidize either insurance companies or property owners.

□ 1500

Then there are others who say the Federal Government shouldn't be involved at all in this issue. Again, I disagree. The Federal Government is involved. Does anybody really believe that if there were another terrorist attack on the United States that the Federal Government would not step in to help? Of course they would. The Federal Government always steps in when disasters are too big for State or local governments to handle. And there are similarly casualty events that are too big for the private sector to insure without Federal involvement. Terrorism is one of them.

The best alternative is not to have the government sail in later to facilitate a private market so that property owners and people can insure up front and know where they will be at a minimum if there is a terrorist act. That is what I believe this bill does, and I support it.

Mr. ACKERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), the chairman of the subcommittee in whose jurisdiction this legislation originated.

Mr. KANJORSKI. Mr. Speaker, I rise in support of H.R. 2761, now known as the Terrorism Risk Insurance Program Reauthorization Act of 2007.

Terrorism insurance plays a critical role in protecting jobs and promoting our Nation's economic security. This bill will extend the terrorism insurance program for 7 years. This length is more than double the duration of the program to date. This length is also in line with my original position of a 6- to 8-year extension. Seven years is both long enough to provide greater certainty to the marketplace and short enough to encourage the private sector to develop our own solutions to the problems posed by conventional terrorism.

Importantly, the legislation eliminates the distinction between foreign and domestic terrorism. Terrorism, regardless of its cause or perpetrator, aims to destabilize the government. This change, therefore, has much merit, and the terrorism insurance program will now protect against these losses.

This Chamber has worked diligently and thoughtfully throughout this year on legislation to extend the terrorism insurance program. I am disappointed at the end of the day we are unable to incorporate some of the provisions that we initially agreed upon before. This final product, for example, fails to provide stronger coverage for nuclear, biological, chemical and radiological terrorism events. TRIA currently provides a backstop to insurers for these losses, but only if insurers cover the losses.

Our Nation needs to better plan for a potentially devastating act by NBCR means by putting in place an explicit program rather than an implicit promise now or a chaotic response later. Instead of taking action, as I would have preferred, the legislation before us requires a study and a report on the availability and affordability of insurance coverage for these losses. We will have a study. I look forward to it. I hope when we receive that study we will then get to work on this proposition.

Members of the Senate, however, have supported this provision, but it was not included in the final package, and that provision is the coverage for group life insurance. Nonetheless, I include this letter by four Members of the Senate, sent to the chairman and ranking member of the Senate Banking Committee, for the RECORD.

U.S. SENATE,
Washington, DC, December 12, 2007.

Chairman CHRISTOPHER DODD,
Senate Banking Committee, Dirksen Building, Washington, DC.

Ranking Member RICHARD SHELBY,
Senate Banking Committee, Dirksen Building, Washington, DC.

DEAR SENATORS DODD AND SHELBY: The risk of terrorism is a persistent and evolving reality that we will be required to confront for many years to come. It light of this reality, we greatly appreciate your efforts to pass an extension of the Terrorism Risk Insurance Act before it expires.

Congress created the TRIA program in the aftermath of September 11th to ensure the viability of our nation's property and casualty insurance market in the event of another catastrophic terrorist attack. Without reinsurance through TRIA, these carriers could be forced to restrict the availability of the coverage they provide, or face losses that could undermine their ability to honor their policy commitments. Unfortunately, our economy remains vulnerable due to the current exclusion of group life insurance from the TRIA program.

Nearly 170 million Americans receive nearly $8.3 trillion in group life insurance protection through their employers. For many, group life coverage is the only form of life insurance they have. But because of the concentration of employees at insured worksites, the companies which provide group life coverage are especially vulnerable to the catastrophic losses which could result from a terrorist strike. In this respect, group life insurance resembles workers' compensation insurance, which is a TRIA-covered line.

Before September 11th, group life insurers were able to purchase catastrophe reinsurance to protect against such losses. Since those attacks, the decreased availability and increased costs have made private reinsurance more difficult to obtain.

We believe that the inclusion of group life coverage in TRIA is prudent to ensure that life insurance benefits for American workers are not jeopardized by a terrorist attack. We understand and appreciate your efforts to secure a timely extension of the TRIA program, and respectfully request your support for inclusion of group life as the Senate resolves its differences with the House on this crucial legislation.

We thank you for your consideration of this matter.

Sincerely,

SUSAN M. COLLINS.
OLYMPIA J. SNOWE.
TIM JOHNSON.
BEN NELSON.
U.S. Senators.

Mr. BACHUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BAKER) who worked very hard on this bill. And as many of us know, when Louisiana was hit by Hurricane Katrina, he worked very diligently on that. I think he also has played a yeoman's part in this process.

Mr. BAKER. I thank the gentleman for the gracious yielding of time and do appreciate his good leadership in this area, as well as that of the gentleman from New York (Mr. ACKERMAN) and the gentleman from Pennsylvania (Mr. KANJORSKI), and the entire New York delegation, which is understandably focused on the issue of how we best respond as a Federal Government to a tragic event of another terrorist assault on this great Nation.

I rise today not to be critical of the product but to say that we have moved far in our considerations. In the first response after 9/11, the first terrorism risk reinsurance proposal was only 3 years in duration, which was then extended for an additional 2-year term, without the inclusion of group life,

NBCR, and some of the other modifications now suggested as being appropriate.

I would point out that during that 5- to 6-year period after 9/11, contracts were entered into, loans were made by financial institutions and construction proceeded, only to make the point that having an absolute lifelong guarantee by the Federal taxpayer with any risk associated with a terrorist attack is not necessarily inherently a standard of operation which this Congress should consider.

Rather, as we go forward, as the chairman has indicated in the hearings of next year, we should strongly consider enabling companies to build up internal reserves specifically to addressing and responding to these types of horrific acts, without accounting consequence or tax liabilities, and enable them to build up appropriate reserves in their eye to meet the insured losses which they potentially could share.

There are alternatives to the plan currently in place, and we should reengage and have discussions on all of those alternatives. Some might find my position on this matter unusual, but I would say in facing the losses that we struggle with and continue to struggle with in the Gulf States, Louisiana and Mississippi alike, post Katrina and Rita, I still don't believe we can ask the taxpayers of this great country to pay off all of our losses in the event of a higher loss.

We should build higher standards and adjust rates in accordance with the risks identified, and we should be smart in the enterprise, enabling market forces to function. The same should be said with terrorism risk.

We should do all we can before we open taxpayers' checkbooks and write those big checks out when market function should be the first and appropriate response to any loss in the insurance world. So I stand in defense of the product, and I believe the 7-year term is more than adequate and echo the comments of my chairman on capital markets. We need to be careful before we move, and we certainly need to understand before we act.

Mr. ACKERMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY) who has worked long, hard, and well on this issue.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. I thank my colleague for his work on this bill.

The bill we are moving forward today is necessary, significant, and timely. There are few issues that are more important to our Nation's economy than a stable, long-term Federal support system for our terrorism risk insurance.

I am disappointed that this final TRIA bill omits key elements of our stronger House legislation, but this is a solid compromise law that will help stabilize the market and ensure the ongoing availability of affordable terrorism risk insurance.

TRIA keeps Americans working, even in the face of terrorist threats. It is a powerful statement of our determination to keep our markets open, our cities vibrant, and our productivity strong.

What markets hate most is uncertainty. This longer term bill will allow our economy to grow while protecting our economic security, which is an important part of our homeland security and our national defense.

I am delighted to see this bill on the floor. I thank Chairman FRANK, the New York delegation, Ranking Member BACHUS and many, many others for their support of this important legislation.

By renewing TIRA with a long-term extension we stand strong in our resolve not to allow terrorists to destroy our economy and our way of life.

That requires a Federal commitment to provide a backstop and cut off the tail of an otherwise almost infinite risk curve so that the private sector can plan and put in place a framework of insurance that protects all of us.

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

Mr. Speaker, I acknowledge the concerns of many of my House colleagues, the New York delegation, concerning certain aspects of this bill. It is not a perfect bill. It is the bill the Senate sent back over. I believe, despite the circumstances in which we find ourselves, it is a reasonable measure. I believe it will ensure the continued vitality of our commercial insurance markets as they operate under the threat of global terrorism. I believe it is fiscally responsible.

Many on my side would have preferred a 3-year bill, as the gentleman from Louisiana talked about. Originally, it was a 3-year bill. I believe the New York delegation can take satisfaction from the fact that it was a 7-year extension and that it does cover domestic acts of terrorism. I applaud them for that.

But I think, on the other hand, it does offer limits and improves taxpayer protections and prevents further intrusions by the government into a market-based system. For that, I thank many of my colleagues on my side, Mr. HENSARLING, Mr. CAMPBELL and others, who voiced their concerns.

Mr. Speaker, I again applaud the hard work and the willingness of the chairman of the Committee on Financial Services, Mr. FRANK, to work with Members on both sides of the aisle and to bring the bill here today before the House. He faced a hard decision. He has worked hard on this. He made, I think, a very passionate and, I think, in many respects, reasoned defense of his position.

We do know going forward that we need to pay particular attention, if the terrorists continue to threaten our largest city and target it, that we are fully supportive of the people of New York City.

I thank all of my colleagues in both the House and the Senate who worked on TRIA for a long time. Whatever else has happened, we have come together today. It may have been an emotional journey, but we are going to pass legislation that I believe will be effective, and I urge adoption of the legislation.

Mr. Speaker, I will surrender any time I have left to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. I appreciate the gentleman's willingness to redistribute the wealth and attribute no social meaning to that, but those of us who are in need of the time are deeply appreciative, and we thank you for your cooperation.

May I inquire of the Speaker how much time indeed is left.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from New York has 2 minutes remaining and the gentleman from Alabama just yielded 5 minutes to the gentleman from New York.

Mr. ACKERMAN. Thank you.

Mr. Speaker, I yield to the distinguished vice chair of the majority caucus, the gentleman from Connecticut (Mr. LARSON) for 1 minute.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation, and I would like to associate myself with the remarks of Mr. ACKERMAN, Mr. FRANK, Mr. BACHUS, Mr. KING, and all those who have spoken so eloquently on this floor.

Mr. FRANK made two points; one essentially about the need for this legislation and the process we must go through. We all understand, for the economy to grow, banks need to make loans. In order for banks to make loans, they have to have insurance.

What this provides, as Mr. KING says, is a security backstop for the Nation, not only in New York City but all across this great country of ours.

Mr. FRANK made a second point as well about the process here, quoting Madison as being the problem here with our colleagues on the other side. I want to commend Senator DODD for his willingness to go forward, and also Mr. ACKERMAN for pointing out the need for the reset provision, 15 years being better than 7, and the importance of including group insurance as well. These were all vitally important to the success and ongoing future of this Nation and the great City of New York.

So I commend my colleagues, each and every one of them on the Committee on Financial Services, and thank them for this compromise piece of legislation that we know will go much further in the next session.

Mr. ACKERMAN. I thank the vice chairman.

Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from New York (Mr. CROWLEY), the distinguished county leader of Queen's County who has fought so long and passionately on this issue.

Mr. CROWLEY. I thank my friend from Queens, New York, as well. I thank all of those who have worked so hard on this particular issue and this bill before us today.

I wish, quite frankly, that the discussion and focus wasn't on the New York delegation. I wish I could stand here today and I didn't have the burden of the New York State and New York City delegation to craft and help make this legislation better legislation.

And at the same time, I don't wish to transpose that burden upon the delegation from Chicago, Illinois, or Los Angeles, California, or Birmingham, Alabama. I wish not to transpose it to anybody else. We accept that responsibility. We accept it because we are the financial capital of the world, and the focus of so much of the attention and hate of the world, that New York has become that focus, we recognize our place here in the Congress.

Having said that, I will note that this bill is better than what the White House proposed, which was no advancement, no extension of TRIA. The President's working group as well as the GAO report said no extension. We got a 7-year extension. I count our blessings. The best should not be the enemy of the good.

But having said that, I think the rejection of a reset provision is a mistake.

□ 1515

And we will be back here, we will be back because we need to do this. We ought not leave a hole in the ground in Manhattan as a monument to Osama bin Laden. Six years out, and this is not the only reason why there hasn't been a redevelopment in Lower Manhattan. But 6 years out we still have not seen the development of the Freedom Towers.

There is a message here, and the message ought not to be to our enemies that if you strike us we will cower, we will not redevelop. That's the message that's going out right now. And we will have an opportunity to change that, and I hope that our colleagues on the other side of the aisle understand this is not a New York City issue. This is not a New York issue, but an American issue; and to move forward we have to work together to see that come to fruition.

Mr. ACKERMAN. I yield myself the balance of the time.

Mr. Speaker, let me first thank Mr. BACHUS for the extraordinary cooperation between the majority and the minority on this particular issue. He led his caucus, along with Mr. BAKER, in crafting what was a very open process led by the distinguished chairman, Mr. FRANK, of the full committee, where everybody's voice was heard; everybody's opinion was allowed to be aired. We fought it out. Not everybody won every fight, but it was an extraordinary effort in goodwill. And the efforts of the Financial Services Committee should be something that set an example for the rest of the committees in the Congress, especially on this particular issue, everybody exercising goodwill and good judgment.

Let me thank my staff especially Steve Boms, who, unfortunately, became one of our Nation's leading experts on terrorism risk insurance.

Much has been said about the New York delegation, because, I think, of our high profile on this issue. But allow me to thank our colleagues and offer this: do not feel sorry for us. We do not make this case for your pity, because we think that our city, we think that our communities, we think that our State and our neighbors acted in an exemplary fashion at a moment of extraordinary terror and pressure, not just to us but to the entire Nation and to the world. What we faced was absolutely extraordinary, and we are so proud to be New Yorkers, and we make this fight not because of what we suffered as a city and a State, but because we already know the pain and the problems that each and every one of our colleagues and other communities across this country might face in the event of a terrorist attack.

Much has been said of the courage of New York. We do not end this fight here because this fight is not for us.

First, to those who have expressed concern about the cost of money as taxpayer money, let me say that the way this has been added up by CBO, the taxpayers would actually gain $200 million if there were a terrorist attack because of the scoring. Do this because it's the right thing.

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

Mr. BACHUS. Mr. Speaker, I would ask unanimous consent that the gentleman be given another minute.

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

There was no objection.

Mr. ACKERMAN. I thank the gentleman.

Do this because it's the right thing to do, not because of New York. Because your community could be next, and it could be next yet again. That's what the reset is for.

We pass this today to provide our country with ongoing insurance so that major development can continue to take place, not to allow the terrorists to dictate when and where and how construction might take place in America.

Pass this, vote for this stripped-down version, provide this protection at least as a minimum for the next 7 years; and I guarantee we will all be back here next year to fight more and again and harder to include those provisions that will protect us all.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2761.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on suspending the rules and concurring in the Senate amendment to H.R. 2761 will be followed by 5-minute votes on suspending the rules and passing S. 2271 and suspending the rules and adopting House Resolution 542.

The vote was taken by electronic device, and there were—yeas 360, nays 53, not voting 19, as follows:

[Roll No. 1178]

YEAS—360

Abercrombie	Costa	Hayes
Ackerman	Courtney	Heller
Aderholt	Cramer	Herger
Alexander	Crenshaw	Herseth Sandlin
Allen	Crowley	Higgins
Altmire	Cuellar	Hill
Andrews	Cummings	Hinchey
Arcuri	Davis (AL)	Hinojosa
Baca	Davis (CA)	Hirono
Bachmann	Davis (IL)	Hobson
Bachus	Davis (KY)	Hodes
Baird	Davis, Lincoln	Hoekstra
Baker	Davis, Tom	Holden
Baldwin	DeFazio	Holt
Barrow	DeGette	Honda
Bartlett (MD)	Delahunt	Hoyer
Bean	DeLauro	Hulshof
Becerra	Dent	Hunter
Berkley	Diaz-Balart, L.	Inslee
Berman	Diaz-Balart, M.	Israel
Biggert	Dicks	Issa
Bilirakis	Dingell	Jackson (IL)
Bishop (GA)	Doggett	Jackson-Lee (TX)
Bishop (NY)	Donnelly	Jefferson
Bishop (UT)	Doolittle	Johnson (GA)
Blumenauer	Doyle	Jones (NC)
Blunt	Drake	Jones (OH)
Boehner	Dreier	Kagen
Bonner	Edwards	Kanjorski
Bono	Ehlers	Keller
Boozman	Ellison	Kennedy
Boren	Ellsworth	Kildee
Boswell	Emanuel	Kilpatrick
Boucher	Emerson	Kind
Boustany	Engel	King (IA)
Boyd (FL)	English (PA)	King (NY)
Boyda (KS)	Eshoo	Kirk
Brady (PA)	Etheridge	Klein (FL)
Braley (IA)	Everett	Kline (MN)
Brown (SC)	Fallin	Knollenberg
Brown, Corrine	Farr	Kucinich
Brown-Waite, Ginny	Fattah	Kuhl (NY)
Buchanan	Feeney	LaHood
Buyer	Ferguson	Lampson
Calvert	Filner	Langevin
Camp (MI)	Forbes	Lantos
Campbell (CA)	Fortenberry	Larsen (WA)
Cantor	Fossella	Larson (CT)
Capito	Frank (MA)	Latham
Capps	Frelinghuysen	LaTourette
Capuano	Gallegly	Latta
Cardoza	Garrett (NJ)	Lee
Carnahan	Gerlach	Levin
Carney	Giffords	Lewis (CA)
Carter	Gillibrand	Lewis (GA)
Castle	Gonzalez	Lewis (KY)
Castor	Goode	Lipinski
Chandler	Goodlatte	LoBiondo
Clarke	Gordon	Loebsack
Clay	Graves	Lofgren, Zoe
Cleaver	Green, Al	Lowey
Clyburn	Green, Gene	Lucas
Coble	Grijalva	Lungren, Daniel E.
Cohen	Gutierrez	Lynch
Cole (OK)	Hall (NY)	Mahoney (FL)
Conaway	Hall (TX)	Maloney (NY)
Conyers	Hare	Manzullo
Cooper	Harman	
	Hastings (WA)	

Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—53

Akin
Barrett (SC)
Barton (TX)
Berry
Bilbray
Blackburn
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Cannon
Chabot
Costello
Culberson
Davis, David
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Granger
Hensarling
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
Kingston
Lamborn
Linder
Mack
Marchant
Marshall
Miller (FL)
Myrick
Pence
Petri
Pitts
Poe
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Tancredo
Wamp
Weldon (FL)
Westmoreland
Young (AK)

NOT VOTING—19

Butterfield
Cubin
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
Kaptur
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Reyes
Thompson (CA)
Udall (NM)
Weller
Wexler
Woolsey

□ 1543

Messrs. KINGSTON, WESTMORELAND, YOUNG of Alaska, BURTON of Indiana, MILLER of Florida, WAMP, BURGESS, INGLIS of South Carolina, DAVID DAVIS of Tennessee, and JOHNSON of Illinois changed their vote from ''yea'' to ''nay.''

Mr. McDERMOTT changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2271 on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 2271.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 1179]

YEAS—411

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

NOT VOTING—22

Aderholt
Bonner
Butterfield
Cubin
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
Kaptur
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Radanovich
Thompson (CA)
Udall (NM)
Weller
Wexler
Wittman (VA)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1549

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING UNCONDITIONAL SUPPORT FOR MEMBERS OF THE NATIONAL GUARD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 542, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 542, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 1180]

YEAS—408

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

NOT VOTING—24

Bonner	Israel	Pryce (OH)
Butterfield	Jindal	Radanovich
Cubin	Johnson, E. B.	Thompson (CA)
Gilchrest	Kaptur	Towns
Hastings (FL)	Miller, Gary	Udall (NM)
Honda	Ortiz	Weller
Hooley	Pastor	Wexler
Hunter	Paul	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1556

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HONDA. Mr. Speaker, on rollcall No. 1180, I was unable to vote. Had I been present, I would have voted "yea."

MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

Mrs. JONES of Ohio. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mortgage Forgiveness Debt Relief Act of 2007''.

SEC. 2. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', or'', and by inserting after subparagraph (D) the following new subparagraph:

''(E) the indebtedness discharged is qualified principal residence indebtedness which is discharged before January 1, 2010.''.

(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 of such Code is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—

''(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

''(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), applied by substituting '$2,000,000 ($1,000,000' for '$1,000,000 ($500,000' in clause (ii) thereof) with respect to the principal residence of the taxpayer.

''(3) EXCEPTION FOR CERTAIN DISCHARGES NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

''(4) ORDERING RULE.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

''(5) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.''.

(c) COORDINATION.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking ''and (D)'' and inserting ''(D), and (E)''.

(2) Paragraph (2) of section 108(a) of such Code is amended by adding at the end the following new subparagraph:

''(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

SEC. 3. EXTENSION OF TREATMENT OF MORTGAGE INSURANCE PREMIUMS AS INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2007.

SEC. 4. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) IN GENERAL.—Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code of 1986 (defining cooperative housing corporation) is amended to read as follows:

''(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

''(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

''(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

''(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139A the following new section:

''SEC. 139B. BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

''(a) IN GENERAL.—In the case of any member of a qualified volunteer emergency response organization, gross income shall not include—

''(1) any qualified State and local tax benefit, and

''(2) any qualified payment.

''(b) DENIAL OF DOUBLE BENEFITS.—In the case of any member of a qualified volunteer emergency response organization—

''(1) the deduction under 164 shall be determined with regard to any qualified State and local tax benefit, and

''(2) expenses paid or incurred by the taxpayer in connection with the performance of services as such a member shall be taken into account under section 170 only to the extent such expenses exceed the amount of any qualified payment excluded from gross income under subsection (a).

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED STATE AND LOCAL TAX BENEFIT.—The term 'qualified state and local tax benefit' means any reduction or rebate of a tax described in paragraph (1), (2), or (3) of section 164(a) provided by a State or political division thereof on account of services performed as a member of a qualified volunteer emergency response organization.

''(2) QUALIFIED PAYMENT.—

''(A) IN GENERAL.—The term 'qualified payment' means any payment (whether reimbursement or otherwise) provided by a State or political division thereof on account of the performance of services as a member of a qualified volunteer emergency response organization.

''(B) APPLICABLE DOLLAR LIMITATION.—The amount determined under subparagraph (A) for any taxable year shall not exceed $30 multiplied by the number of months during such year that the taxpayer performs such services.

''(3) QUALIFIED VOLUNTEER EMERGENCY RESPONSE ORGANIZATION.—The term 'qualified volunteer emergency response organization' means any volunteer organization—

''(A) which is organized and operated to provide firefighting or emergency medical services for persons in the State or political subdivision, as the case may be, and

''(B) which is required (by written agreement) by the State or political subdivision to furnish firefighting or emergency medical services in such State or political subdivision.

''(d) TERMINATION.—This section shall not apply with respect to taxable years beginning after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by inserting after the item relating to section 139A the following new item:

''Sec. 139B. Benefits provided to volunteer firefighters and emergency medical responders.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 6. CLARIFICATION OF STUDENT HOUSING ELIGIBLE FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subclause (I) of section 42(i)(3)(D)(ii) of the Internal Revenue Code of 1986 (relating to certain students not to disqualify unit) is amended to read as follows:

''(I) single parents and their children and such parents are not dependents (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of another individual and such children are not dependents (as so defined) of another individual other than a parent of such children, or.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) housing credit amounts allocated before, on, or after the date of the enactment of this Act, and

(2) buildings placed in service before, on, or after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof.

SEC. 7. APPLICATION OF JOINT RETURN LIMITATION FOR CAPITAL GAINS EXCLUSION TO CERTAIN POST-MARRIAGE SALES OF PRINCIPAL RESIDENCES BY SURVIVING SPOUSES.

(a) SALE WITHIN 2 YEARS OF SPOUSE'S DEATH.—Section 121(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR CERTAIN SALES BY SURVIVING SPOUSES.—In the case of a sale or exchange of property by an unmarried individual whose spouse is deceased on the date of such sale, paragraph (1) shall be applied by substituting '$500,000' for '$250,000' if such sale occurs not later than 2 years after the date of death of such spouse and the requirements of paragraph (2)(A) were met immediately before such date of death.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges after December 31, 2007.

SEC. 8. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS; LIMITATION ON DISCLOSURE.

(a) EXTENSION OF TIME LIMITATION.—Section 6698(a) of the Internal Revenue Code of 1986 (relating to failure to file partnership returns) is amended by striking ''5 months'' and inserting ''12 months''.

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) of such Code is amended by striking ''$50'' and inserting ''$85''.

(c) LIMITATION ON DISCLOSURE OF TAXPAYER RETURNS TO PARTNERS, S CORPORATION SHAREHOLDERS, TRUST BENEFICIARIES, AND ESTATE BENEFICIARIES.—

(1) IN GENERAL.—Section 6103(e) of such Code (relating to disclosure to persons having material interest) is amended by adding at the end the following new paragraph:

''(10) LIMITATION ON CERTAIN DISCLOSURES UNDER THIS SUBSECTION.—In the case of an inspection or disclosure under this subsection relating to the return of a partnership, S corporation, trust, or an estate, the information inspected or disclosed shall not include any supporting schedule, attachment, or list which includes the taxpayer identity information of a person other than the entity making the return or the person conducting the inspection or to whom the disclosure is made.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 9. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 (relating to assessable penalties) is amended by adding at the end the following new section:

''SEC. 6699. FAILURE TO FILE S CORPORATION RETURN.

''(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—

''(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

''(2) files a return which fails to show the information required under section 6037,

such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

''(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

''(1) $85, multiplied by

''(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.

''(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

''(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

''Sec. 6699. Failure to file S corporation return.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 10. MODIFICATION OF REQUIRED INSTALLMENT OF CORPORATE ESTIMATED TAXES WITH RESPECT TO CERTAIN DATES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 1.50 percentage points.

The SPEAKER pro tempore (Mr. SNYDER). Pursuant to the rule, the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Kentucky (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

□ 1600

Mrs. JONES of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I am happy that the Congress is doing its part today to alleviate the pressure Americans all over the country are feeling due to the subprime mortgage crisis. It is estimated that before this housing slump is over, almost 2 million homeowners will lose their homes due to skyrocketing interest rates on their mortgages.

In September of this year, the House passed the Mortgage Relief Debt Forgiveness Act of 2007 without controversy. The Members of the House agreed on a bipartisan basis that this relief is necessary to give homeowners peace of mind as they navigate the current difficulties in the housing market. The Senate amendment to this bill further demonstrates Congress's support for this relief.

Many Americans are getting hit by the double whammy of, one, losing their homes to foreclosure and, two, getting slapped with a tax bill when the debt on their home is discharged by the lender. In situations where a lender forgives outstanding debt, it is considered income and, thus, is taxable.

I believe that our Tax Code, above all, should promote fairness and equity. Under current law, if your House is under foreclosure and the bank discharges your debt, you receive a tax bill. I don't think that's fair or equitable. It doesn't seem right for individuals in this circumstance to face a tax bill when they really have no increase in their net worth. As I see it, their house went down in value, and the individuals couldn't meet their current requirements, resulting in foreclosure. The resolution we consider today rectifies that disconnect so that if a person's principal residence lost value, that loss won't give rise to a tax liability. The provision would sunset in 3 years.

In addition, H.R. 3648, as amended, would provide a 3-year extension of the deduction for private mortgage insurance. The deduction makes it easier for homebuyers to avoid having to take out a risky high-interest second loan in order to make a down payment.

Finally, the bill includes provisions to make it easier for taxpayers to form housing cooperation corporations.

I hope this whole House can join the Ways and Means Committee members in strong support of this resolution. H.R. 3648 restores some fairness to the Tax Code by preventing the unexpected tax consequences of foreclosure from hurting homeowners already smarting from the loss of their homes. Passage today will direct this bill to the President's desk and clear the path for this important legislation to become law.

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

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in strong support of the Mortgage Forgiveness Debt Relief Act of 2007. I've heard concerns from many homeowners in my district about the serious situation in the mortgage market. These declining prices have led some families to sell their homes for less than they paid.

On August 31, President Bush spoke from the Rose Garden and called on Congress to address the crisis in the mortgage market. Included in the President's priorities was a bill that Congressman ROB ANDREWS and I introduced in April. Our legislation would relieve tax obligations on those who sell homes that have lost equity and had been forgiven a portion of outstanding mortgage debt. Our measure is the cornerstone of the larger bipartisan bill that we are considering here today.

Under current law, only two categories of individuals pay taxes when selling their principal residence: those who have been able to realize a capital gain of more than $250,000, or $500,000 on a joint return, and those who lose the equity in their home and are forced to pay taxes if the lender forgives some portion of the mortgage debt.

It is unfair to tax people on phantom income, particularly when they have suffered serious economic loss and have less ability to pay the tax. The Mortgage Forgiveness Debt Relief Act would relieve this tax burden. The Andrews-Lewis provision states that no tax will be collected when a lender forgives part of the mortgage on the sale or disposition of a principal residence. This proposal has earned the support of the National Association of Home Builders, the National Association of Realtors and the United States Department of the Treasury.

Addressing this Tax Code inequity and other long-term issues in the housing market goes to the core of our national economic stability. Today, we advance a bill to the President that seeks to calm financial markets, aid local communities, and support one of our most basic American aspirations: homeownership.

I would like to thank my colleague Congressman ANDREWS for his commitment to this issue. I also appreciate the time and effort of my chairman, Congressman RANGEL, Ranking Member MCCRERY and their staffs for moving this important measure to the House floor.

The bill before us is a good first step toward addressing the mortgage situation. But more importantly, this bill is an example of what happens when both parties work together to produce good policy that will benefit millions of Americans.

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

Mrs. JONES of Ohio. Mr. Speaker, I want to thank our Chair, Mr. RANGEL, and our ranking member for the hard work that they've done on this legislation.

It gives me great pleasure to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Thank you to my friend from Ohio for yielding.

Bills that come up on suspension are often thought to be of less importance. That surely is not true here today. Tax equity has been a major principle in our efforts this year. And this legislation is an important aspect of that, a response to the subprime mortgage crisis.

The data just released by Fannie Mae show that our State of Michigan leads the Nation in losses on bad mortgages. Other rankings have Michigan at second in the Nation in delinquencies and third in foreclosure inventory. Ohio is next in some respects, but many States, really, all States show immense numbers of people who are suffering.

And nothing would seem more unfair than when someone loses their home to a foreclosure, if the bank sells their house for less than they owe, the IRS says ''pay taxes,'' and this remedies it. Also, as mentioned, this bill provides a 3-year extension of the deduction for mortgage insurance premiums, another vital part of this legislation.

By leveling the playing field among mortgage products, we will make homeownership more affordable, especially at a time when so-called ''piggy back'' loans are becoming more expensive, and in some cases difficult, to obtain at any price.

And I close with this remark, ''we pay for it.'' We pay for it. That's also been an important principle, tax equity, but not deepening the hole of fiscal irresponsibility. And this bill lives up to both, equity and fiscal responsibility, and we're proud to support it.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 2 minutes to my good friend from Texas, SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of the Mortgage Forgiveness Debt Relief Act. I've said it before and I'm saying it again, the current problems with the mortgage and real estate markets are considerable, but they're not permanent. This bill finally gets it right and provides a 3-year window so that lenders can restructure and write down loans, allowing people to move on with their lives without being taxed on phantom income.

I have confidence in the American economy and in the fact that real estate markets will rebound. Our economy is sound. The Federal Reserve is

now addressing mortgage lending practices that were out of control. And it's appropriate to restructure loans without taxing phantom income from the forgiveness of these inappropriate loans.

I am also glad to see this bill does not impose a luxury tax on one in 20 American families who own a second home. That tax on second homes also would have been an economic disaster for communities that rely upon tourism and recreation as their development strategy.

This bill before us is an appropriate response to a painful but temporary problem. We should all vote ''yes'' on this issue.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank our chairman, Mr. RANGEL, for allowing me to manage this bill because he knows that in Ohio, the foreclosure epidemic has gone from bad to worse, with new cases growing by nearly 24 percent from 2005.

Another colleague of mine on this great committee, in my same class, I yield 2 minutes to Mr. LARSON of Connecticut.

Mr. LARSON of Connecticut. I thank the gentlelady from Ohio. And I also join in commending and thanking Mr. RANGEL and Mr. NEAL for their efforts in making sure that this legislation came to the floor.

Let me further associate myself with the remarks of the distinguished gentlelady from Ohio. By the end of next year, 2 million foreclosures will occur in this country. That's 2 million people and families whose lives and finances will be uprooted, 2 million communities affected. That's why it was so important for this committee to act. We should not add to their burden. We have to make sure that we preserve the American Dream for them.

The Ways and Means Committee reacted swiftly and reasonably to this crisis and said what we could do was make it easier for those who get a raw deal or are having a hard time. We could start by not making them have to pay taxes on money they will never see. And that is the beauty of this bill.

Also contained in this bill is a provision that helps firefighters and first responders. It wasn't lost on Mr. RANGEL, or Mr. NEAL either, that it wasn't the FBI or the CIA or the armed services who responded at the World Trade Center, the Pentagon, or the fields of Pennsylvania. It was volunteer firefighters. But the IRS, in its wisdom, chooses to treat income that they receive from their county, their State or their communities in terms of rebates on property tax or other equipment as ordinary income. That is flat-out wrong. And again, I commend the leadership for making sure that we address these issues.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I have voted against this bill twice in the Chamber. I rise today in support of it.

This bill will now, in the right way, provide relief to American families who, after losing their homes in the past, have gotten a bill from Uncle Sam, and it is wrong. At a time when people struggle to keep their homes and they may lose them or have to sell them at a loss, we shouldn't be kicking them when they are down. This bill will right that wrong, giving taxpayers temporary relief for at least 3 years, and will also allow taxpayers to continue to deduct the premiums that they pay for mortgage insurance, which will help a number of people afford homes.

But, Mr. Speaker, I am most pleased that the Senate stripped from this bill something we sent out of the House twice, which was wrong. What we attempted to do was to increase the taxes on people who own second homes. Now, the original thought would be, that must be the wealthy. It's not; it's the middle class. In fact, 40 percent of all the home sales last year in America were to second homebuyers. And they're not the wealthy. The average income of those buyers was $82,000. So, we were punishing middle-class families for scrimping on their first mortgage so they could save up for a vacation home or resort home or retirement home or maybe even an investment. That would have punished families. It would have hurt, I think, many communities whose future relies upon retirees in resort and vacation homes, and would have deepened the housing problems here in America rather than aid them. A number of us fought against that provision. We're pleased that the Senate removed it. This makes this a very bipartisan bill that has strong support. I urge my colleagues to support this bill.

Let me point out, too, that I appreciate the leadership of Chairman RANGEL on this, and I appreciate that he recognized this problem and moved on it. I appreciate the leadership of Mr. LEWIS and Mr. ANDREWS, who have fought for this legislation for many years.

Mrs. JONES of Ohio. Mr. BRADY, we're happy you got a wake-up call. Maybe you could bring us a few other Members over here to our side.

It gives me great pleasure to recognize now my colleague and good friend from the committee, Mr. BLUMENAUER, for 2 minutes.

□ 1615

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this bill.

We are watching fiscal chickens come home to roost with this housing bubble that is slowly working its way through the system. As my good friend from Connecticut mentioned, we are looking at perhaps 2 million foreclosures looming. There is another 2 million figure to keep in mind, and that is the number of loans that are going to reset in the next 18 months. And many of these people were not particularly sophisticated. There are a number of folks that appear to have been lured into subprime loans that actually would have qualified for conventional, fixed-rate mortgages. And this is a ripple effect that can have a very profound consequence for people.

If we see a 15-percent drop in housing values, which is projected by Goldman Sachs, we are talking about millions of families who can be in this situation of having phantom income. If it is a 20-percent drop, it is 3.7 million. And some people feel that 30 percent correction is not beyond question, and that would put almost 20 million American homeowners in this negative territory.

It is important for us to make sure that people are not paying taxes on phantom income. Frankly, I am a little disappointed that the legislation that came back to us from the Senate is only 3 years because I fear that this is going to be a longer-term problem. And, frankly, I can't foresee any circumstance where this Congress would like to apply tax rates on phantom income when anybody is under water, getting a loan forgiveness. We have put careful provisions in this to make sure that it is not unlimited, it is not for wild speculation, but for typical, average everyday homeowners.

I hope we pass this bill, but I also hope that we look at a long-term adjustment so that no one who is in this unfortunate circumstance ends up making a tax payment on phantom income when they have lost their home.

Mr. LEWIS of Kentucky. I reserve my time.

Mrs. JONES of Ohio. I join with my colleague to say I hope that at some point we will be able to extend this so it has no sunsetting provisions.

I yield 2 minutes to my colleague from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I would like to thank my friend from Ohio for yielding. I would like to thank my friend, Mr. LEWIS, for his hard work on this legislation throughout the process, the gentleman from Louisiana (Mr. MCCRERY), and obviously our chairman, Mr. RANGEL, and other members of the Ways and Means Committee, Mrs. TUBBS JONES in particular.

When we started working on this project, it was a matter of simple fairness to Americans who sold a home under difficult circumstances. Now, unfortunately, the problem has grown into one of economic urgency because our economy is in trouble today in large part because of a drop in housing prices and housing values. And one of the reasons that we would have a glut on that market would be if people have to dump their properties on the market because they can't get a workout on the loans that they have because it would raise their taxes to come to a different arrangement with their lender.

Through the wisdom of the committee, we are fixing this law in such a

way that will encourage people to work out an arrangement with their mortgagee to work out a way they can pay their loans and stay in their homes. And if they stay in their home, we won't have that glut of supply in the housing market. If we don't have that glut of supply on the housing market, prices will stabilize and not drop, which will mean more Americans have more home equity, more Americans have economic confidence, and our economy can rebound.

So I want to thank all those both on the Democratic and Republican side of the aisle for making this project a reality, in particular the staff of the Ways and Means Committee, for their hard work in making this a reality and urge a ''yes'' vote on this bill.

Mr. LEWIS of Kentucky. I continue to reserve my time.

GENERAL LEAVE

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to submit remarks for the RECORD.

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

There was no objection.

Mrs. JONES of Ohio. It gives me great pleasure at this time to yield 2 minutes to the gentlewoman from New York (Ms. CLARKE). She is a freshman in Congress and has been a leader in working on a lot of issues, particularly this one; and I yield to her particularly because this bill expands some of the coverages for cooperative housing corporations which I am confident is an issue for the gentlelady from Brooklyn.

Ms. CLARKE. Mr. Speaker, I want to commend and give praise to the gentlewoman from Ohio for her management of this very important legislation and, of course, to our distinguished chairman of the House Ways and Means Committee, the dean of our New York delegation, for his leadership on this issue and bringing this issue to the floor today.

I rise in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007, because Americans need relief. We need relief. And under this bill, the mortgage debt forgiven through foreclosure, sale, or loan restructuring would no longer count as taxable income.

Mr. Speaker, this bill is extremely vital to many New Yorkers, since a subprime tsunami is now sweeping across this Nation and many experts confirm that this wave will continue well into the next year with no end in sight. As a result, foreclosures are increasing at an alarming rate.

As we count the last days of 2007, many expect more than 14,000 foreclosures to be filed in New York City alone. Mr. Speaker, Congress must do all that it can to help Americans to keep their homes. So today I will cast an ''aye'' vote in support of the Mortgage Forgiveness Debt Relief Act of 2007, which helps struggling homeowners cope with the unanticipated penalty of foreclosure.

Mr. LEWIS of Kentucky. In closing, I want to, again, thank Chairman RANGEL and Ranking Member MCCRERY. JIM and the chairman have certainly done a good job in working together to bring about this piece of legislation. Also I would like to thank the majority and the minority staff for their hard work and effort on this. And, too, I would like to thank Kevin Modlin on my staff. He has worked hard to help move this legislation through the process. This is a good day for those homeowners that are in much need of some help. And of course, Congressman ANDREWS, thank you so much for your hard work on this and putting it forward.

I yield back the balance of my time and ask for a ''yea'' vote on this important piece of legislation.

Mrs. JONES of Ohio. Mr. Speaker, almost all of us dream of a day when we can have a place of our own. For most Americans, buying a home is the single best investment they will ever make. It is the first step to building wealth and can provide financial leverage for a family for a variety of things, including starting a business or funding an education. Therefore, we must put safeguards in place to ensure that people are able to keep their homes and not be thrown into further debt.

That is one reason why I am pleased to rise in support of this piece of legislation that will allow taxpayers to exclude from their income debt that which was forgiven by a financial institution or lender. We cannot sit by as Congress and add insult to injury to our most vulnerable taxpayers. That is why I am so pleased to stand with my colleagues on the other side of the aisle in support of this very strong legislation in support of the American people.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Mrs. JONES) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3648.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENTS TO H.R. 3997, HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2007

Mr. LARSON of Connecticut. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 884) providing for the concurrence by the House in the Senate amendments to H.R. 3997, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 884

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 3997, with the Senate amendments thereto, and to have (1) concurred in the Senate amendment to the title of the bill, and (2) concurred in the Senate amendment to the text of the bill with the following amendment:

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Heroes Earnings Assistance and Relief Tax Act of 2007''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—BENEFITS FOR MILITARY AND VOLUNTEER FIREFIGHTERS

Sec. 101. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 102. Modification of mortgage revenue bonds for veterans.
Sec. 103. Survivor and disability payments with respect to qualified military service.
Sec. 104. Treatment of differential military pay as wages.
Sec. 105. Extension of exclusion from income for benefits provided to volunteer firefighters and emergency medical responders.
Sec. 106. Special period of limitation when uniformed services retired pay is reduced as a result of award of disability compensation.
Sec. 107. Distributions from retirement plans to individuals called to active duty.
Sec. 108. Disclosure of return information relating to veterans programs made permanent.
Sec. 109. Contributions of military death gratuities to Roth IRAs and Education Savings Accounts.
Sec. 110. Suspension of 5-year period during service with the Peace Corps.
Sec. 111. Credit for employer differential wage payments to employees who are active duty members of the uniformed services.
Sec. 112. State payments to service members treated as qualified military benefits.
Sec. 113. Permanent exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 114. Special disposition rules for unused benefits in health flexible spending arrangements of individuals called to active duty.

TITLE II—IMPROVEMENTS IN SUPPLEMENTAL SECURITY INCOME

Sec. 201. Treatment of uniformed service cash remuneration as earned income.
Sec. 202. State annuities for certain veterans to be disregarded in determining supplemental security income benefits.
Sec. 203. Exclusion of AmeriCorps benefits for purposes of determining supplemental security income eligibility and benefit amounts.
Sec. 204. Effective date.

TITLE III—REVENUE PROVISIONS

Sec. 301. Increase in penalty for failure to file partnership returns.

Sec. 302. Increase in penalty for failure to file S corporation returns.
Sec. 303. Increase in minimum penalty on failure to file a return of tax.
Sec. 304. Increase in information return penalties.
Sec. 305. Revision of tax rules on expatriation.

TITLE IV—TAX TECHNICAL CORRECTIONS

Sec. 401. Short title.
Sec. 402. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 403. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 404. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 405. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 406. Amendments related to the Energy Policy Act of 2005.
Sec. 407. Amendments related to the American Jobs Creation Act of 2004.
Sec. 408. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 409. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 410. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 411. Clerical corrections.

TITLE V—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

Sec. 501. Parity in application of certain limits to mental health benefits.

TITLE I—BENEFITS FOR MILITARY AND VOLUNTEER FIREFIGHTERS

SEC. 101. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

''(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(b) SUNSET NOT APPLICABLE.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 102. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking ''and before January 1, 2008''.

(b) INCREASE IN BOND LIMITATION FOR ALASKA, OREGON, AND WISCONSIN.—Clause (ii) of section 143(l)(3)(B) (relating to State veterans limit) is amended by striking ''$25,000,000'' each place it appears and inserting ''$100,000,000''.

(c) DEFINITION OF QUALIFIED VETERAN.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended to read as follows:

''(4) QUALIFIED VETERAN.—For purposes of this subsection, the term 'qualified veteran' means any veteran who—

''(A) served on active duty, and

''(B) applied for the financing before the date 25 years after the last date on which such veteran left active service.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 103. SURVIVOR AND DISABILITY PAYMENTS WITH RESPECT TO QUALIFIED MILITARY SERVICE.

(a) PLAN QUALIFICATION REQUIREMENT FOR DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting after paragraph (36) the following new paragraph:

''(37) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.''.

(b) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE FOR BENEFIT ACCRUAL PURPOSES.—Subsection (u) of section 414 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (8) the following new paragraph:

''(9) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE.—

''(A) IN GENERAL.—For benefit accrual purposes, an employer sponsoring a retirement plan may treat an individual who dies or becomes disabled (as defined under the terms of the plan) while performing qualified military service with respect to the employer maintaining the plan as if the individual has resumed employment in accordance with the individual's reemployment rights under chapter 43 of title 38, United States Code, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability. In the case of any such treatment, and subject to subparagraphs (B) and (C), any full or partial compliance by such plan with respect to the benefit accrual requirements of paragraph (8) with respect to such individual shall be treated for purposes of paragraph (1) as if such compliance were required under such chapter 43.

''(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall apply only if all individuals performing qualified military service with respect to the employer maintaining the plan (as determined under subsections (b), (c), (m), and (o)) who die or became disabled as a result of performing qualified military service prior to reemployment by the employer are credited with service and benefits on reasonably equivalent terms.

''(C) DETERMINATION OF BENEFITS.—The amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under subparagraph (A) for purposes of applying paragraph (8)(C) shall be determined on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of—

''(i) the 12-month period of service with the employer immediately prior to qualified military service, or

''(ii) if service with the employer is less than such 12-month period, the actual length of continuous service with the employer.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a)(2) is amended by striking ''and (31)'' and inserting ''(31), and (37)''.

(2) Section 403(b) is amended by adding at the end the following new paragraph:

''(14) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—This subsection shall not apply to an annuity contract unless such contract meets the requirements of section 401(a)(37).''.

(3) Section 457(g) is amended by adding at the end the following new paragraph:

''(4) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A plan described in paragraph (1) shall not be treated as an eligible deferred compensation plan unless such plan meets the requirements of section 401(a)(37).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to deaths and disabilities occurring on or after January 1, 2007.

(2) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this subparagraph applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(iii).

(B) AMENDMENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—

(i) IN GENERAL.—Subparagraph (A) shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by subsection (a) or pursuant to any regulation issued by the Secretary of the Treasury under subsection (a), and

(II) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this clause shall be applied by substituting ''2011'' for ''2009'' in subclause (II).

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless—

(I) the plan or contract is operated as if such plan or contract amendment were in effect for the period described in clause (iii), and

(II) such plan or contract amendment applies retroactively for such period.

(iii) PERIOD DESCRIBED.—The period described in this clause is the period—

(I) beginning on the effective date specified by the plan, and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

SEC. 104. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

''(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services (as defined in chapter 43 of title 38, United States Code) while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA), as amended by section 103(b), is amended by adding at the end the following new paragraph:

''(12) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).''.

(B) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: ''The term compensation includes any differential wage payment (as defined in section 3401(h)(2)).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by subsection (b)(1), and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this subparagraph shall be applied by substituting ''2011'' for ''2009'' in clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 105. EXTENSION OF EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

Subsection (d) of section 139B (relating to termination), as added to the Internal Revenue Code of 1986 by section 5 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2015''.

SEC. 106. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

''(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

''(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

''(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

''(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting for ''the date of such determination'' in subparagraph (A) thereof.

SEC. 107. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking '', and before December 31, 2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 108. DISCLOSURE OF RETURN INFORMATION RELATING TO VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(7) (relating to disclosure of return information to Federal, State, and local agencies administering certain programs under the Social Security Act, the Food Stamp Act of 1977, or title 38, United States Code or certain housing assistance programs) is amended by striking the last sentence.

(b) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

SEC. 109. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS AND EDUCATION SAVINGS ACCOUNTS.

(a) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(b) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

''(A) to a Roth IRA from another such account,

''(B) from an eligible retirement plan, but only if—

''(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

''(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(c) EDUCATION SAVINGS ACCOUNTS.—Subsection (d) of section 530 is amended by adding at the end the following new paragraph:

''(9) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'rollover contribution' includes a contribution to a Coverdell education savings account made before the end of the 1-year period beginning on the date on which the contributor receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such contributor under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Roth IRA under section 408A(e)(2) or to another Coverdell education savings account.

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—The last sentence of paragraph (5) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is includible in gross income under paragraph (1), the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

SEC. 110. SUSPENSION OF 5-YEAR PERIOD DURING SERVICE WITH THE PEACE CORPS.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to special rules) is amended by adding at the end the following new paragraph:

''(12) PEACE CORPS.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving outside the United States—

''(i) on qualified official extended duty (as defined in paragraph (9)(C)) as an employee of the Peace Corps, or

''(ii) as an enrolled volunteer or volunteer leader under section 5 or 6 (as the case may be) of the Peace Corps Act (22 U.S.C. 2504, 2505).

''(B) APPLICABLE RULES.—For purposes of subparagraph (A), rules similar to the rules of subparagraphs (B) and (D) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 111. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45O. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

''(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

''(3) ELIGIBLE SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

''(i) employed an average of less than 50 employees on business days during such taxable year, and

''(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

''(d) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(2) the 2 succeeding taxable years.

''(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(f) TERMINATION.—This section shall not apply to any payments made after December 31, 2009.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end of following new paragraph:

''(32) the differential wage payment credit determined under section 45O(a).''.

(c) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting ''45O(a),'' after ''45A(a),''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45O. Employer wage credit for employees who are active duty members of the uniformed services.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 112. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(6) CERTAIN STATE PAYMENTS.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments

made before, on, or after the date of the enactment of this Act.

SEC. 113. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 417(e) of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(b) DUTY STATION MAY BE INSIDE UNITED STATES.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 2010.

SEC. 114. SPECIAL DISPOSITION RULES FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsection (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) SPECIAL RULE FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such arrangement provides for qualified reservist distributions.

''(2) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subsection, the term 'qualified reservist distribution' means, any distribution to an individual of all or a portion of the balance in the employee's account under such arrangement if—

''(A) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)) ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

''(B) such distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under such arrangement for the plan year which includes the date of such order or call.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

TITLE II—IMPROVEMENTS IN SUPPLEMENTAL SECURITY INCOME

SEC. 201. TREATMENT OF UNIFORMED SERVICE CASH REMUNERATION AS EARNED INCOME.

(a) IN GENERAL.—Section 1612(a)(1)(A) of the Social Security Act (42 U.S.C. 1382a(a)(1)(A)) is amended by inserting ''(and, in the case of cash remuneration paid for service as a member of a uniformed service (other than payments described in paragraph (2)(H) of this subsection or subsection (b)(20)), without regard to the limitations contained in section 209(d))'' before the semicolon.

(b) CERTAIN HOUSING PAYMENTS TREATED AS IN-KIND SUPPORT AND MAINTENANCE.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting ''; and''; and

(3) by adding at the end the following:

''(H) payments to or on behalf of a member of a uniformed service for housing of the member (and his or her dependents, if any) on a facility of a uniformed service, including payments provided under section 403 of title 37, United States Code, for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10 of such Code, or any related provision of law, and any such payments shall be treated as support and maintenance in kind subject to subparagraph (A) of this paragraph.''.

SEC. 202. STATE ANNUITIES FOR CERTAIN VETERANS TO BE DISREGARDED IN DETERMINING SUPPLEMENTAL SECURITY INCOME BENEFITS.

(a) INCOME DISREGARD.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting ''; and''; and

(3) by adding at the end the following:

''(24) any annuity paid by a State to the individual (or such spouse) on the basis of the individual's being a veteran (as defined in section 101 of title 38, United States Code), and blind, disabled, or aged.''.

(b) RESOURCE DISREGARD.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking ''and'' at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting ''; and''; and

(3) by inserting after paragraph (15) the following:

''(16) for the month of receipt and every month thereafter, any annuity paid by a State to the individual (or such spouse) on the basis of the individual's being a veteran (as defined in section 101 of title 38, United States Code), and blind, disabled, or aged.''.

SEC. 203. EXCLUSION OF AMERICORPS BENEFITS FOR PURPOSES OF DETERMINING SUPPLEMENTAL SECURITY INCOME ELIGIBILITY AND BENEFIT AMOUNTS.

Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)), as amended by section 202(a) of this Act, is amended—

(1) in paragraph (23), by striking ''and'' at the end;

(2) in paragraph (24), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(25) any benefit (whether cash or in-kind) conferred upon (or paid on behalf of) a participant in an AmeriCorps position approved by the Corporation for National and Community Service under section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573).''.

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall be effective with respect to benefits payable for months beginning after 60 days after the date of the enactment of this Act.

TITLE III—REVENUE PROVISIONS

SEC. 301. INCREASE IN PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) (relating to amount per month), as amended by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 302. INCREASE IN PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Paragraph (1) of section 6699(b) (relating to amount per month), as added to the Internal Revenue Code of 1986 by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 303. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking ''$100'' in the last sentence and inserting ''$225''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 304. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$50''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$500,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$75''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721are each amended by striking ''$150,000'' and inserting ''$1,000,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$100,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$250,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking ''$100,000'' and inserting ''$500,000''.

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking ''$100'' and inserting ''$250''.

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$100'', and

(2) by striking ''$100,000'' and inserting ''$500,000''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 305. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

''(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

''(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

''(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

''(1) any deferred compensation item (as defined in subsection (d)(4)),

''(2) any specified tax deferred account (as defined in subsection (e)(2)), and

''(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

''(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

''(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

''(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

''(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

''(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

''(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

''(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

''(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

''(A) the payor of such item is—

''(i) a United States person, or

''(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

''(B) the covered expatriate—

''(i) notifies the payor of his status as a covered expatriate, and

''(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

''(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

''(A) any interest in a plan or arrangement described in section 219(g)(5),

''(B) any interest in a foreign pension plan or similar retirement arrangement or program,

''(C) any item of deferred compensation, and

''(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

''(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

''(6) SPECIAL RULES.—

''(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

''(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

''(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

''(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

''(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

''(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

''(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

''(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

''(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

''(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

''(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

''(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

''(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

''(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (d)(6) shall apply, and

''(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies unless the covered expatriate agrees to such other treatment as the Secretary determines appropriate.

''(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

''(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

''(1) COVERED EXPATRIATE.—

''(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

''(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

''(i) the individual—

''(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

''(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

''(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

''(2) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, and

''(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(3) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

''(h) OTHER RULES.—

''(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

''(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

''(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

''CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

''Sec. 2801. Imposition of tax.

''SEC. 2801. IMPOSITION OF TAX.

''(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

''(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

''(2) the value of such covered gift or bequest.

''(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

''(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds the dollar amount in effect under section 2503(b) for such calendar year.

''(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

''(e) COVERED GIFT OR BEQUEST.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

''(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

''(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

''(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

''(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

''(3) EXCEPTIONS FOR TRANSFERS TO SPOUSE OR CHARITY.—Such term shall not include any property with respect to which a deduction would be allowed under section 2055, 2056, 2522, or 2523, whichever is appropriate, if the decedent or donor were a United States person.

''(4) TRANSFERS IN TRUST.—

''(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

''(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

''(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

''(B) FOREIGN TRUSTS.—

''(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

''(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

''(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a

foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

''(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

''CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

''(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.''.

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

''An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.''.

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting ''or 877A'' after ''section 877(b)'' in subsection (a), and

(2) by inserting ''or 877A'' after ''section 877(a)'' in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act from transferors whose expatriation date is on or after such date of enactment.

TITLE IV—TAX TECHNICAL CORRECTIONS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Tax Technical Corrections Act of 2007''.

SEC. 402. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(i) $5,000,

''(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

''(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 403. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking ''related'' and inserting ''substantial and related''.

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

''(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).''.

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting ''a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g)),'' before ''or a gross valuation misstatement''.

(2) Paragraph (1) of section 6696(d) is amended by striking ''or under section 6695'' and inserting '', section 6695, or 6695A''.

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

''(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.''.

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking ''INFORMATION'' in the heading, and

(B) by adding at the end the following: ''Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.''.

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

''(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),''.

(3) Paragraph (2) of section 6104(d) is amended by striking ''section 6033'' and inserting ''section 6011 or 6033''.

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking ''or D'' and inserting ''D, or G''.

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking ''paragraph (1), (2), or (4) of section 509(a)'' and inserting ''subparagraph (C)(ii)''.

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

''(ii) EXCEPTION.—Such term shall not include—

''(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

''(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 404. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Paragraph (3) of section 355(b) is amended to read as follows:

''(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.''.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

''(f) DETERMINATION OF TAX LIABILITY.—

''(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

''(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

''(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

''(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

''(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the amount which would be determined under such sentence for such taxable year if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

''(2) SPECIAL RULES.—

''(A) REGULAR TAX.—In applying section 1(h) for purposes of determining the tax under paragraph (1)(A)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds taxable income (hereafter in this subparagraph referred to as the capital gain excess)—

''(i) the taxpayer's net capital gain (determined without regard to section 1(h)(11)) shall be reduced (but not below zero) by such capital gain excess,

''(ii) the taxpayer's qualified dividend income shall be reduced by so much of such capital gain excess as exceeds the taxpayer's net capital gain (determined without regard to section 1(h)(11) and the reduction under clause (i)), and

''(iii) adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain shall each be determined after increasing the amount described in section 1(h)(4)(B) by such capital gain excess.

''(B) ALTERNATIVE MINIMUM TAX.—In applying section 55(b)(3) for purposes of determining the tax under paragraph (1)(B)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds the taxable excess (as defined in section 55(b)(1)(A)(ii))—

''(i) the rules of subparagraph (A) shall apply, except that such subparagraph shall be applied by substituting 'the taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income', and

''(ii) the reference in section 55(b)(3)(B) to the excess described in section 1(h)(1)(B) shall be treated as a reference to such excess as determined under the rules of subparagraph (A) for purposes of determining the tax under paragraph (1)(A)(i).

''(C) DEFINITIONS.—Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h), except that in applying subparagraph (B) the adjustments under part VI of subchapter A shall be taken into account.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 405. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(B) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(C) by striking ''ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT'' and inserting ''MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT'' in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(3) Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 406. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(2) Subsection (c) of section 30C is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(B) Any mixture—

''(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A),'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 407. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

''(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).''.

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.''.

(B) Subsection (m) of section 6501 is amended by inserting ''45H(g),'' after ''45C(d)(4),''.

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking ''qualified capital costs'' and inserting ''qualified costs''.

(B) The heading of paragraph (2) of section 45H(c) is amended by striking ''CAPITAL''.

(C) Subsection (a) of section 179B is amended by inserting ''and which are properly chargeable to capital account'' before the period at the end.

(b) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

''(2) TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

''(i) without regard to paragraphs (1)(C) and (3) thereof, and

''(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

''(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

''(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).''.

(2) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(d) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 408. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 409. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

''(ii) LODGING FACILITY.—The term 'lodging facility' means a—

''(I) hotel,

''(II) motel, or

''(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 410. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 411. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

''(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

''(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),''.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(6) Subsection (b) of section 38 is amended—

(A) by striking ''and'' each place it appears at the end of any paragraph,

(B) by striking ''plus'' each place it appears at the end of any paragraph, and

(C) by inserting ''plus'' at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(8) Subsection (c) of section 48 is amended by striking ''subsection'' in the text preceding paragraph (1) and inserting ''section''.

(9) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(10) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(11) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(1)(F)''.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking ''section 170(b)(1)(E)(ii)'' and inserting ''section 170(b)(1)(F)(ii)''.

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting '', but without regard to clause (ii) thereof'' after ''paragraph (7)(C)''.

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking ''all interest in the property is'' and inserting ''all interests in the property are''.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 403(d)(2)), are each amended—

(i) by striking ''interest'' and inserting ''interests'', and

(ii) by striking ''before'' and inserting ''on or before''.

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

''(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.''.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

''(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.''.

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.''.

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

''(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

''(i) IN GENERAL.—Net income from notional principal contracts.

''(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.''.

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking ''section 25C(e)'' and inserting ''section 25C(f)''.

(21) Paragraph (36) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking ''section 30C(f)'' and inserting ''section 30C(e)(1)''.

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking ''Section 1297(e)'' and inserting ''Section 1297(d)''.

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking '', section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)'' and inserting ''or section 1361(b)(3)(B)(ii)'', and

(B) by striking '', section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)'' in subparagraph (B) and inserting ''or section 1361(b)(3)(C)''.

(25) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(27) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(32) Subsection (b) of section 6046 is amended—

(A) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'', and

(B) by striking ''paragraph (2) or (3) of subsection (a)'' and inserting ''subparagraph (B) or (C) of subsection (a)(1)''.

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking ''the Canal Zone,''.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 34'' and inserting ''34, and 35''.

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(39) Subsection (a) of section 6695A is amended by striking ''then such person'' in paragraph (2) and inserting the following: ''then such person''.

(40) Subparagraph (C) of section 6707A(e)(2) is amended by striking ''section 6662A(e)(2)(C)'' and inserting ''section 6662A(e)(2)(B)''.

(41)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(42) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(43) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(44) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(45) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking ''enzymatic''.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting ''or (h)(1)'' after ''section 6050H(a)''.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting ''or (h)(2)'' after ''section 6050H(d)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 9502 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(3) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking ''a controlled group'' and inserting ''an affiliated group''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking ''921'' and inserting ''921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking ''a cooperative described in section 927(a)(4)'' and inserting ''an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products''.

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

''(C) FSC.—The term 'FSC' has the meaning given such term by section 922.''.

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

''(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(5) Paragraph (4) of section 275(a) is amended by striking ''if'' and all that follows and inserting ''if the taxpayer chooses to take to any extent the benefits of section 901.''.

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(7)(A) Paragraph (4) of section 441(b) is amended by striking ''FSC or''.

(B) Subsection (h) of section 441 is amended—

(i) by striking ''FSC or'' each place it appears, and

(ii) by striking ''FSC'S AND'' in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma ''(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking ''a FSC (or a former FSC)'' in subclause (II) (as so redesignated) and inserting ''a former FSC (as defined in section 922)'', and

(C) by adding at the end the following:

''Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking ''FSC or''.

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking ''subparagraphs (J), (K), and (L)'' in the flush sentence at the end and inserting ''subparagraphs (I), (J), and (K)''.

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking ''section 956(c)(2)(J)'' and inserting ''section 956(c)(2)(I)''.

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting ''and'' at the end of subparagraph (C), and by striking '', and'' at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting ''(as defined in section 922)'' after ''a FSC'', and

(B) by adding at the end the following new sentence: ''Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking ''foreign trade income of a FSC or''.

(19)(A) Paragraph (1) of section 6011(c) is amended by striking ''or former DISC or a FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

TITLE V—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

SEC. 501. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 is amended by striking ''2007'' and inserting ''2008''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''2007'' and inserting ''2008''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking ''2007'' and inserting ''2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished after December 31, 2007.

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

The Chair recognizes the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Mr. RANGEL, Mr. NEAL and Mr. MCCRERY, and since this was a bipartisan effort, all the hard work that went into this on both sides of the aisle. This legislation comes at a time when most of us are preparing to head home for the Christmas holidays.

Mr. Speaker, I can't tell you how our hearts all go out to those men and women who serve in our military who have sacrificed so much on our behalf. It is getting more and more difficult for many Americans to make ends meet. Why shouldn't we be doing everything we possibly can to make it easier on our military, our veterans, our first responders and their families? We should be making it easier, as this bill does, for those earning combat pay to qualify for an earned income tax credit. We should make it easier for veterans to get housing, disability assistance, and other benefits. This bill makes it easier for the spouses of fallen soldiers to draw from a loved one's retirement savings without penalty. And it makes tax breaks from State and local governments to volunteer first responders Federal income-tax free.

It wasn't lost on Chairman RANGEL, Chairman NEAL or the entire Ways and Means Committee, as I said previously, that with respect to the events that took place on September 11, it wasn't the military, the FBI, the CIA, the INS that responded at the World Trade Center, at the Pentagon, or in the fields of Pennsylvania. It was first responders. Therefore, Mr. Speaker, it is so vitally important that this legislation pass so that we provide an opportunity for those first responders who are so in need of the very rudiments that our government provides them in order to provide the great depth of service covering over 70 percent of the country in terms of the service they provide for this Nation to make sure that what little incremental benefits they get from their municipality, their county, or their State are not taxed by the IRS.

So I am proud to be part of this legislation that we move forward.

And with that I reserve my time.

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

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

Mr. REYNOLDS. Mr. Speaker, as my colleague, the gentleman from Connecticut, has outlined a number of provisions in this bill, we come together today not as Democrats or Republicans, but as Americans. We are united in our respect for those who wear the uniform of the United States Armed Forces, and we are united in our desire to ensure that Federal programs within the Ways and Means Committee's jurisdiction from the Tax Code to the SSI program work effectively for members of the military, veterans, first responders and their families.

Let me begin by also thanking Chairman RANGEL and Ranking Member MCCRERY, as well as Chairman NEAL, Chairman MCDERMOTT, and Ranking Members ENGLISH and WELLER, for their outstanding leadership in crafting this legislation. This bill is a great example of what we can accomplish when we put our differences aside and work together. I am hopeful that the revisions we are making to this legislation today will be taken up in short order by the other body.

I would also like to highlight two specific provisions in the bill that have been of particular interest to me during my time in Congress. The first provision, section 202, is modeled on legislation, the Blind Veterans Fairness Act, that I first introduced in the year 2000. My legislation would correct a problem in the Federal SSI rules and affects blind veterans in four States, New York, New Jersey, Pennsylvania and Massachusetts, that provide these veterans modest annuities in recognition of the substantial sacrifice they have made to serving our country.

□ 1630

Regrettably, under current Federal law, these State annuities actually reduce any SSI payments for which blind veterans would otherwise be eligible. As we heard from Michelle LaRock of our New York City's Division of Veterans Affairs at our Ways and Means hearing in October, this quirk in the Federal SSI rules creates a hardship not only for the affected veterans themselves, but for the States that administer these annuity programs as well. As in years past, the bill I introduced in the 110th Congress, H.R. 649, has enjoyed bipartisan support.

Let me turn briefly to a separate provision, section 107 of the bill, which will permanently allow penalty-free withdrawals from IRAs, 401(k)s, and other retirement funds for Reservists and National Guardsmen called to active duty. As we all know, when Guardsmen and Reservists are called up from our States, they often face significant reductions in pay compared to their civilian salaries, put an economic strain on their families. To lessen this economic hardship, many of them

choose to draw down on their retirement funds.

Unfortunately, under prior law, they faced a 10 percent ''early withdrawal tax'' when they did so, and they faced restrictions on making repayments to their retirement funds upon returning from active duty. Last year's Pension Protection Act provided relief from this 10 percent penalty tax and permitted unlimited repayments within 2 years after leaving active duty, but only for Guardsmen and Reservists called to active duty before December 31, 2007.

To ensure that this important relief remains available on a permanent basis going forward, I introduced H.R. 867, the Guardsmen and Reservists' Tax Fairness Act on February 7 of this year. This legislation has also attracted a bipartisan group of cosponsors, as well as endorsements from several leading veterans service organizations.

Mr. Speaker, we recently got a great reminder of the time-sensitivity of this particular provision from the area I represent in Western New York. Just days ago, it was announced that 100 members of the 107th Air Refueling Wing, stationed at Niagara Falls Air Reserve Station, will be deployed to the Middle East in January as part of the global war on terror. Unless this tax benefit is made permanent, these brave men and women, and countless more just like them across the country, will lose their eligibility simply because the calendar has flipped to 2008 before their date of deployment.

I sincerely hope that our colleagues on the other side of the Capitol will recognize the urgency of this issue and ensure that the provision is sent to the President's desk before adjourning for the year.

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

Mr. LARSON of Connecticut. Mr. Speaker, at this time I yield 2 minutes to a senior member of the Ways and Means Committee, Mr. MCDERMOTT, from Washington State.

Mr. MCDERMOTT. Thank you, Mr. LARSON.

Mr. Speaker, I would like to highlight the importance of two provisions in the bill before us, which relate to how the Supplemental Security Income program, or SSI program, treats military families and others who desire to serve this Nation. Under current law, some military families lose part of their SSI benefits because a portion of their compensation is counted as unearned income. Under current rules, the amount of unearned income a disabled person receives reduces their SSI benefits. H.R. 3997 would stop treating military families this way, which occurs because of a kink in the law.

A similar inequity occurs with respect to AmeriCorps volunteers. For purposes of determining SSI benefits, current law provides disparate treatment to volunteers who are disabled. In some cases, these would-be volunteers would experience a loss or reduction of their SSI benefits if they choose to serve their community, despite their disability, through AmeriCorps. This only occurs because of an oversight in the statute, and the HEART Act corrects it, removing an important barrier to service.

In short, Mr. Speaker, it's important that the bill that the President signs includes these provisions. With the SSI corrections included, H.R. 3997 says to American families that a Nation blessed by your service and sacrifice is one that will treat you fairly and justly.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from California, Mr. HERGER, a very senior member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, an important provision of the HEART Act would help veterans in my home State achieve the American Dream of homeownership. In our pursuit of this provision, I join with my California colleague, SUSAN DAVIS, to introduce a stand-alone legislation on this issue, and I thank her for her leadership.

Currently, several States are allowed to issue what are called Qualified Veteran Mortgage Bonds, which are tax-exempt bonds. In California, the CalVet Home Loan Program uses the proceeds from these bonds to help pay for low-cost mortgages for our Nation's heroes returning from war. For our State and Texas, however, until this provision today, only veterans who ended their military service before 1977 were allowed to receive these low-cost home loans using proceeds from qualified veterans mortgage bonds. Now all veterans, regardless of when they serve, will be eligible under the QVMB-financed program. Governor Arnold Schwarzenegger and his administration deserve credit for their unwavering support of this change.

This provision has been several years in coming. I am very pleased to say that it will help many recent California servicemen and women purchase their own home, regardless of when they served.

Mr. LARSON of Connecticut. Mr. Speaker, at this time I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY) who brought with us to the committee compelling testimony from Victoria Johnson.

Mr. POMEROY. I thank the gentleman for yielding.

I hold this picture of Major Alan Johnson and his wife Victoria and their daughter Megan. Alan Johnson lost his life last January 26 in service to our country in Iraq. Major Johnson had served in the National Guard and the Army Reserve for 26 years. Additionally, he had a civilian job. He was still in the public sector. He was sergeant of the Corrections Department of Yakima County in the State of Washington, shift supervisor, one of the largest jails in the State of Washington.

You can imagine how awful the surprise for Victoria Johnson, deep in her grief of losing her husband, to learn that his pension in the State of Washington was treated as though, on the day he left on his deployment, he quit work. They offered only return of the amounts he had paid into the pension plan. Now, if he had been an active Washington State employee, she would have received a lifetime annuity benefit. But the law didn't provide for that, and her circumstance has alerted us to a loophole that must be addressed.

Legislation introduced by Congressman DOC HASTINGS and me, the HEROES Act, addresses this flaw in our law, a law that presently allows for reintegration of pension benefits for our returning soldiers. This will also mean that should they lose their life in service to our country during their deployment, they are treated as though their life was lost while a fully employed participant in the pension plan.

This is desperately necessary. Do it because it is right. Do it for the memory of Major Alan Johnson.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise in support of this bill on the floor today that will provide additional tax relief to our Nation's veterans, especially those who are seeking to purchase homes.

Among the many important provisions of this bill, it updates current law to ensure that veterans who have served after 1977 can qualify for low-interest home loans financed by Qualified Veterans Mortgage Bonds. It allows veterans who are not first-time homebuyers to also benefit from this special program.

This bill is important to our home State of Texas. This will enable the Texas Veterans Land Board, headed by Land Commissioner Jerry Paterson, to expand its existing low-interest loan program to thousands of more Texas veterans, helping a new generation of veterans own a piece of the American Dream.

For all the sacrifice our veterans make to defend our country, it is only right that we help them upon their return home to America.

I thank Chairman RANGEL, Mr. LARSON and all of those who have contributed to this bill, as well as Mr. REYNOLDS, who has worked so hard, and Republicans who are supporting this bipartisan bill.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT), a member of the committee.

Mr. DOGGETT. Mr. Speaker, you would think there would be no disagreement that support for our troops which begins on the battlefield shouldn't end there, yet some Senate Republicans deleted from this very legislation an important provision authorizing eligibility for below-market affordable home loans of up to $325,000 through our Texas Veterans Land

Board for our Texas veterans. These are the servicemen and women who served in Iraq and in Afghanistan and over the last 30 years who are excluded from the current program.

Today we say once more to these Senate obstructionists, stop and remember that those who fight to keep our homes safe deserve a fighting chance at homeownership. This bill is truly a way to honor our vets, not only with our words, but with our deeds; in this case, deeds to a home. When our vets are willing to pay the ultimate price for our freedom, we can afford the price of correcting this disparity.

This bill also prevents the expiration of existing group health insurance guarantees for mental health coverage. While maintaining this protection is very important, what we really need is prompt approval of full equity in all health insurance coverage so that mental health services are not treated differently from physical health services. Whether it is a broken leg or a broken spirit, folks need affordable access to professional care that includes treatment for addiction and depression. I salute our colleagues Congressman KENNEDY and Congressman RAMSTAD in their bipartisan effort for mental health parity, including addiction and depression. Let's get it done in 2008.

Approval of today's bill encourages equity, equity in covering veterans whenever they have served, and at least a little equity in mental health coverage.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from New York for yielding to me.

I, like the gentlemen are from Texas, am here in a state of disappointment. But mine is the reverse. A provision that was included in the Senate is not included in the House version of this bill. It is a piece of legislation that I introduced earlier this session and one that was offered as an amendment when this bill was considered by the House Ways and Means Committee, and it failed on a party-line vote. This provision, as I say, is included in the Senate bill, but it was removed when it was returned to the House, and it received unanimous approval by the Senate.

This is a commonsense clarification to the Tax Code to prevent lower income military personnel from being discriminated against when applying to live in affordable housing built under the low income housing tax credit. Our Nation's military families deserve access to safe, decent, affordable housing, and they should be given a fair opportunity to qualify for it.

This provision would clarify that members of the military will not have their military housing allowance counted against them as income when applying for affordable rental housing. The IRS does not consider military housing allowance as income, but, unfortunately, the Department of Housing and Urban Development does. The result is that some servicemembers, particularly enlisted ones, are considered to earn too much and are, thus, disqualified from living in affordable housing. Comparatively low-income civilians will qualify because they are treated differently by the IRS.

This clarification is needed now more than ever. A number of military installations across the country are experiencing housing shortages as a result the 2005 BRAC. For example, Fort Riley, an Army post located in the State of Kansas, is nearly doubling in size and will see an influx of nearly 30,000 people. Without access to adequate affordable housing opportunities, many families stationed at Fort Riley are being forced to live far away from post.

□ 1645

The House acted this year to exempt military housing allowance from income eligibility requirements under Head Start. Unfortunately, this discrimination persists when military families apply to live in affordable housing, and enlisted servicemembers and their families continue to be treated unfairly in communities across the country.

Mr. Speaker, while I support this legislation, I again am here to object to the exclusion of language that would level the playing field for our military enlisted men. I have introduced legislation to correct this issue; and should it not be resolved in this legislation, I urge my colleagues to join me in supporting H.R. 1481.

Mr. LARSON of Connecticut. At this time, I yield 2 minutes to the preeminent authority in this Nation on mental health, and someone who has spoken with great passion and dignity on this floor as a cosponsor, along with Mr. RAMSTAD, of important legislation, Mr. KENNEDY from Rhode Island, for 2 minutes.

Mr. KENNEDY. I thank the gentleman from Connecticut for his great work and for his very kind words. And I would like to thank Chairman RANGEL and Chairman STARK for their work to pass a 1-year extension to the current mental health parity law. I would also like to thank them for their tireless work and dedication to passing H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act.

While I am pleased that the current law is being extended in this bill which will ensure that annual and lifetime limits for mental health benefits cannot be more restrictive than physical health benefits, I must express my disappointment that a stronger mental health parity law which includes equitable treatment limits, financial limits, and out-of-network parity has not been passed yet and signed by the President this year. After three hearings, five markups in the House, and with 273 bipartisan cosponsors, this bill has been closely scrutinized by both political parties.

I hope we will return early next year and pass this bill, not as a political victory for some, but for people like Katie Kevlock, a 16-year-old girl from Pennsylvania who lost her battle to addiction. She showed up one day to her mother and said she was addicted, confessed to her mother she was addicted. Her mother took her to the hospital. The hospital said she needed insurance coverage. She went to her insurance system. Her insurer said they couldn't cover her unless she had OD'ed. They couldn't give her residential treatment unless she OD'ed. So she had to wait until she OD'ed. But what happened? As Katie's mom said, not everyone survives that first OD. And it was in the case of Katie, her first OD killed her. Katie died without the treatment that she needed to overcome her addiction. That should not happen in this country. We need to pass parity, and that is why we need to pass 1424.

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

Mr. LARSON of Connecticut. Mr. Speaker, I would like to recognize the preeminent authority on smart growth in this country, Mr. BLUMENAUER from Oregon, who cares deeply about veterans concerns in that State and all across the country, for 2 minutes.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy as I appreciate his leadership.

One of the most important things the United States did in the aftermath of World War II was to help returning veterans with housing. In my home State of Oregon, in 1945 we established a veterans home loan program which, for over 60 years, has provided over a third of a million loans, a value that is approaching $8 billion, which has changed the lives of the veterans and their families as it has helped revitalize communities.

Unfortunately, in Oregon, as in other States like Alaska, Wisconsin, California, and Texas, we are bumping up against limits in dealing with this program. We do not have the bonding capacity to be able to deal with the flood of returning veterans from Iraq and Afghanistan, who are every bit as worthy of our help and support as veterans from Korea or World War II.

The House legislation that went forward corrected this situation, adding an increase in the bond cap; and it made a modification for eligible veterans of more recent wars to be included. Unfortunately, the other body, inexplicably, following rules that Daniel Webster and John C. Calhoun would recognize today, allowed a minority to strip away these important provisions.

It is important for us to repass this legislation that affirms that we are going to do right by veterans in Alaska, Oregon, Wisconsin, California and Texas, raise those limits, and extend the coverage to warriors that are returning from these conflicts.

I strongly urge my colleagues to not just pass this legislation but to make clear to our friends in the other body

that this is one of our go-home items of legislation that we are going to insist upon.

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

Mr. LARSON of Connecticut. Mr. Speaker, might I inquire how much time we have left.

The SPEAKER pro tempore. The gentleman from Connecticut has 8 minutes; the gentleman from New York controls 9 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to refer Members to the ''Technical Explanation of the Tax Technical Correction Act of 2007,'' JCX–119–07, prepared by the nonpartisan Joint Committee on Taxation, for a description of the legislative intent behind the technical corrections contained in title IV of this bill, H. Res. 884.

Mr. Speaker, at this time I recognize one of the leaders in this body and part of the Firefighter Caucus, the gentleman from New Jersey, my dear friend, Mr. PASCRELL, for 2 minutes.

Mr. PASCRELL. Mr. Speaker, I would like to reiterate the words of the gentleman from New York. This bill is a significant reminder of why we are here. Beyond the acrimony of the last few weeks, this bill goes to the center of what we should be all about. I commend the gentleman from New York.

With this bill, we take up a tax measure that is not geared towards increasing the fortunes of the already fortunate, but instead we provide a measure of relief for those brave men and women serving in the military and as first responders.

I am glad to see that this bill excludes from income certain reimbursable expenses incurred in the line of duty by volunteer firefighters. And I commend my friend, JOHN LARSON, who has worked on this issue for some time now. I am truly heartened that we are permanently extending combat pay in the calculations of the earned income tax credit.

Recent law allowed members of the Armed Forces to include combat pay, which is generally nontaxable for purposes of computing their earned income credit. But this will only last through the 2006 tax year. Many of us have worked for some time to make this proposal permanent. I am tremendously pleased that this provision has been made.

There is no reason a member of the Armed Forces should lose their earned income tax credit when they are mobilized to serve this country. This is unacceptable. I want to thank Chairman RANGEL for all his work and diligence on this critical issue. And I want to say, Mr. Speaker, I hope we have many more bills like this between now and the time we take off, because it is important to indicate to the American people that we can cross party lines.

Mr. REYNOLDS. Mr. Speaker, I certainly agree with the gentleman from New Jersey, our distinguished member from Ways and Means. This is a bipartisan piece of legislation. As both the manager of the bill, Mr. LARSON of Connecticut, has outlined and as I have outlined, as we share strong support and we put Democrat and Republican views aside, and represented clearly what is best for America as we deal with our veterans and as we deal with our firefighters. And so both sides of the aisle today join strongly in a clear message of support of this legislation as it comes again before the House and goes to the other body, in hopes that the other body will see fit to support the type of legislation that is coming with such bipartisan support of not only the Ways and Means Committee but through what I believe will be the entire House.

I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, at this time I recognize the gentlelady from San Diego, California, SUSAN DAVIS, for 1 minute.

Mrs. DAVIS of California. I thank my colleague.

Mr. Speaker, on November 6, we passed the Heroes Earnings Assistance and Relief Tax Act, and today we reaffirm our commitment to those who volunteer to protect the United States by putting forward a final product that reflects our commitment to veterans and servicemembers. I want to thank the hard work of the House Ways and Means Committee and the Senate Finance Committee for the hard act.

My colleagues have highlighted a number of provisions. I wanted to just do two. One provision adjusts how the Social Security Administration calculates income for SSI eligibility to help military families keep their SSI benefits.

I really want to thank a number of my families in my district in San Diego who shared their stories with me and gave me this opportunity to help make a change in this legislation. And the second I believe has already been mentioned, and that removes a date of service requirement, preventing those returning from Iraq and Afghanistan to fully take advantage of the federally supported Qualified Veterans Mortgage Bond program. This legislation, I believe, Mr. Speaker, demonstrates our Nation's appreciation for our military families and veterans, and I encourage my colleagues to vote for it.

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

Mr. LARSON of Connecticut. At this time, Mr. Speaker, I recognize the distinguished gentleman from California (Mr. FARR) for 1 minute.

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise today in strong support of this legislation, the Heroes Earnings Assistance and Tax Relief Act of 2007.

This holiday season, Congress can provide tax relief to members of our military, our veterans, our volunteer firefighters, and to Peace Corps volunteers through the passage of this legislation. I am pleased that the committee included in the legislation a section of the bill that I authored which became section 106 earlier this year, and The Military Coalition who wrote in support of this language said: ''The consortium of uniformed services and veterans associations representing more than 5 million current and former military servicemembers and their families and survivors is writing in support of your planned legislation to rectify the longstanding problem encountered by many disabled veterans when filing for disability compensation with the Department of Veterans Affairs.''

This bill corrects that, and I am very pleased with it and ask my colleagues to support the bill.

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

Mr. LARSON of Connecticut. Mr. Speaker, I recognize the gentlelady from New York City, Ms. CLARKE, for 1½ minutes.

Ms. CLARKE. I thank the gentleman from Connecticut (Mr. LARSON) for his leadership in this body and the management of this bill.

Mr. Speaker, the extended military deployments in Iraq and Afghanistan have placed a great economic burden and hardship on many of our military families. Countless thousands of families are forced to not only cope with anguish of having a family member serving in harm's way, but also must deal with the economic hardships. That is why I am proud that H.R. 3933, a bill that I introduced, has a significant place in the heart of the HEART Act, which makes permanent three provisions that bring vital tax relief to help our soldiers and their families.

This bill assures military compensation is excluded from income if it is earned in the combat zone or while hospitalized for wounds, diseases, or injuries received in combat, and permits active duty Reservists to make penalty free withdrawals from retirement plans and ends the penalties.

I want to thank Mr. RANGEL for his consistent leadership on this issue and for including my bill, H.R. 3933, as part of the HEART Act of 2007. I am just proud to have been able to play a part in paying down on the debt of gratitude we owe to our women and men that serve and protect us on the front lines.

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

GENERAL LEAVE

Mr. LARSON of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3997, as amended.

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

There was no objection.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume to close debate on our side.

Let me first take a moment again to thank Chairman RANGEL and Ranking Member MCCRERY for their ongoing

work on this important bill and for including two specific provisions I described earlier regarding SSI benefits for blind veterans and penalty-free withdrawals by National Guardsmen and Reservists.

Even more importantly, I want to thank my chairman and ranking member for working so hard to cultivate a true spirit of bipartisanship when we deal with issues where we can find common ground.

□ 1700

Today on this legislation, which is very important for both Guardsmen and Reservists and veterans who are serving our country and have served our country, and for our first responders and our firefighters, today is one where we have worked hard to take a number of bills and put them together and make it an opportunity to get results in 2007 that will be the Heroes Earnings Assistance and Relief Tax Act. I urge a ''yes'' vote.

I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, let me rise and join the sentiment expressed by the gentleman from New York (Mr. REYNOLDS), and I think everybody on our committee, in expressing not only the sheer joy and delight of having a ranking member and the chairman of the committee work as closely as they have throughout the year, whether we agreed or disagreed. It is quite a contrast from previous years. I think that Mr. RANGEL deserves an incredible amount of credit for the manner in which he has conducted himself, as does Mr. MCCRERY, as evident by the concern that has been expressed by both sides as we take up this important legislation today.

Further, let me add, as has been expressed here by many, we should make sure that this bill is taken up in the Senate. They have a responsibility over in that body to make sure that they address the concerns of so many in our military, as eloquently expressed here today by so many Members on and off the committee who care deeply about issues that impact veterans and our volunteer firefighters as well.

I also want to thank the members of the Ways and Means staff, and especially Eileen Shatz, who is serving for her last week on the Ways and Means Committee; Janice Mays; John Buckley; Aruna Kalyanam, who has been here throughout the day; Kase Jubboori; Mildeen Worrell, who have all done great work on behalf of the committee; Chairman NEAL, who also has been outstanding with this legislation and the hearings that he conducted in our committee; Melissa Mueller from the subcommittee staff, who was key. And also from my staff, I want to thank Amy O'Donnell. We call her the tax missionary. And also John Renfrew and Jackie Primeau, who have done such an outstanding job.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of the Defenders of Freedom Tax Relief Act, which provides important tax relief to the heroes who are defending our country, both abroad and here at home.

I also appreciate that the bill includes a one-year extension of the 1996 mental health parity law, which prohibits insurers from discriminating against mental health treatment with aggregate lifetime or annual dollar limits.

But we must go much further to end insurance discrimination and expand access to treatment for mental illness and chemical addiction. We must knock down the barriers of higher copays and deductibles, limited treatment stays, and the lack of out-of-network benefits that do not apply to any other disease. We must pass the Paul Wellstone Mental Health and Addiction Equity Act.

It's a national disgrace that 270,000 Americans were denied addiction treatment last year. It's a national tragedy that 150,000 of our fellow Americans died last year from chemical addiction and 30,000 Americans committed suicide from depression. And it's a national crisis that untreated addiction and mental illness cost our economy over $550 billion last year.

And think of the costs that can't be measured in dollars and cents—human suffering, broken families, shattered dreams; ruined careers and destroyed lives.

Passing mental health parity is not only the right things to do; it's the cost-effective thing to do. We have all the empirical data to prove that equity for mental health and addiction treatment will save billions of dollars nationally while not raising premiums more than two-tenths of one percent.

This legislation has 273 cosponsors and passed three House committees with wide bipartisan support. It must absolutely be one of the first orders of business when Congress reconvenes in January.

It's time to end the discrimination against people who need treatment for mental illness and addiction. It's time to prohibit health insurers from placing discriminatory restrictions on treatment. It's time to provide greater access to treatment. It's time to pass the Paul Wellstone Mental Health and Addiction Equity Act.

The American people cannot afford to wait any longer for Congress to act.

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

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion offered by the gentleman from Connecticut (Mr. LARSON) that the House suspend the rules and agree to the resolution, H. Res. 884.

The question was taken.

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

Mr. LARSON of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

OPEN GOVERNMENT ACT OF 2007

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2488) to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2488

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 ''Openness Promotes Effectiveness in our National Government Act of 2007'' or the ''OPEN Government Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Freedom of Information Act was signed into law on July 4, 1966, because the American people believe that—

(A) our constitutional democracy, our system of self-government, and our commitment to popular sovereignty depends upon the consent of the governed;

(B) such consent is not meaningful unless it is informed consent; and

(C) as Justice Black noted in his concurring opinion in Barr v. Matteo (360 U.S. 564 (1959)), ''The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of government service rendered by all elective or appointed public officials or employees.'';

(2) the American people firmly believe that our system of government must itself be governed by a presumption of openness;

(3) the Freedom of Information Act establishes a ''strong presumption in favor of disclosure'' as noted by the United States Supreme Court in United States Department of State v. Ray (502 U.S. 164 (1991)), a presumption that applies to all agencies governed by that Act;

(4) ''disclosure, not secrecy, is the dominant objective of the Act,'' as noted by the United States Supreme Court in Department of Air Force v. Rose (425 U.S. 352 (1976));

(5) in practice, the Freedom of Information Act has not always lived up to the ideals of that Act; and

(6) Congress should regularly review section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), in order to determine whether further changes and improvements are necessary to ensure that the Government remains open and accessible to the American people and is always based not upon the ''need to know'' but upon the fundamental ''right to know''.

SEC. 3. PROTECTION OF FEE STATUS FOR NEWS MEDIA.

Section 552(a)(4)(A)(ii) of title 5, United States Code, is amended by adding at the end the following:

''In this clause, the term 'a representative of the news media' means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term 'news' means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of 'news') who

make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.''.

SEC. 4. RECOVERY OF ATTORNEY FEES AND LITIGATION COSTS.

(a) IN GENERAL.—Section 552(a)(4)(E) of title 5, United States Code, is amended—

(1) by inserting ''(i)'' after ''(E)''; and

(2) by adding at the end the following:

''(ii) For purposes of this subparagraph, a complainant has substantially prevailed if the complainant has obtained relief through either—

''(I) a judicial order, or an enforceable written agreement or consent decree; or

''(II) a voluntary or unilateral change in position by the agency, if the complainant's claim is not insubstantial.''.

(b) LIMITATION.—Notwithstanding section 1304 of title 31, United States Code, no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay the costs resulting from fees assessed under section 552(a)(4)(E) of title 5, United States Code. Any such amounts shall be paid only from funds annually appropriated for any authorized purpose for the Federal agency against which a claim or judgment has been rendered.

SEC. 5. DISCIPLINARY ACTIONS FOR ARBITRARY AND CAPRICIOUS REJECTIONS OF REQUESTS.

Section 552(a)(4)(F) of title 5, United States Code, is amended—

(1) by inserting ''(i)'' after ''(F)''; and

(2) by adding at the end the following:

''(ii) The Attorney General shall—

''(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

''(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

''(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).''.

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) TIME LIMITS.—

(1) IN GENERAL.—Section 552(a)(6)(A) of title 5, United States Code, is amended by inserting after clause (ii) the following:

''The 20-day period under clause (i) shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency that is designated in the agency's regulations under this section to receive requests under this section. The 20-day period shall not be tolled by the agency except—

''(I) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the requester under this section; or

''(II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) COMPLIANCE WITH TIME LIMITS.—

(1) IN GENERAL.—

(A) SEARCH FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

''(viii) An agency shall not assess search fees (or in the case of a requester described under clause (ii)(II), duplication fees) under this subparagraph if the agency fails to comply with any time limit under paragraph (6), if no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6)(B) and (C), respectively) apply to the processing of the request.''.

(B) PUBLIC LIAISON.—Section 552(a)(6)(B)(ii) of title 5, United States Code, is amended by inserting after the first sentence the following: ''To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency.''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 7. INDIVIDUALIZED TRACKING NUMBERS FOR REQUESTS AND STATUS INFORMATION.

(a) IN GENERAL.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following:

''(7) Each agency shall—

''(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

''(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including—

''(i) the date on which the agency originally received the request; and

''(ii) an estimated date on which the agency will complete action on the request.''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 8. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by inserting after the first comma ''the number of occasions on which each statute was relied upon,'';

(2) in subparagraph (C), by inserting ''and average'' after ''median'';

(3) in subparagraph (E), by inserting before the semicolon '', based on the date on which the requests were received by the agency'';

(4) by redesignating subparagraphs (F) and (G) as subparagraphs (N) and (O), respectively; and

(5) by inserting after subparagraph (E) the following:

''(F) the average number of days for the agency to respond to a request beginning on the date on which the request was received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

''(G) based on the number of business days that have elapsed since each request was originally received by the agency—

''(i) the number of requests for records to which the agency has responded with a determination within a period up to and including 20 days, and in 20-day increments up to and including 200 days;

''(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

''(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

''(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

''(H) the average number of days for the agency to provide the granted information beginning on the date on which the request was originally filed, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

''(I) the median and average number of days for the agency to respond to administrative appeals based on the date on which the appeals originally were received by the agency, the highest number of business days taken by the agency to respond to an administrative appeal, and the lowest number of business days taken by the agency to respond to an administrative appeal;

''(J) data on the 10 active requests with the earliest filing dates pending at each agency, including the amount of time that has elapsed since each request was originally received by the agency;

''(K) data on the 10 active administrative appeals with the earliest filing dates pending before the agency as of September 30 of the preceding year, including the number of business days that have elapsed since the requests were originally received by the agency;

''(L) the number of expedited review requests that are granted and denied, the average and median number of days for adjudicating expedited review requests, and the number adjudicated within the required 10 days;

''(M) the number of fee waiver requests that are granted and denied, and the average and median number of days for adjudicating fee waiver determinations;''.

(b) APPLICABILITY TO AGENCY AND EACH PRINCIPAL COMPONENT OF THE AGENCY.—Section 552(e) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) Information in each report submitted under paragraph (1) shall be expressed in terms of each principal component of the agency and for the agency overall.''.

(c) PUBLIC AVAILABILITY OF DATA.—Section 552(e)(3) of title 5, United States Code, (as redesignated by subsection (b) of this section) is amended by adding at the end ''In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.''.

SEC. 9. OPENNESS OF AGENCY RECORDS MAINTAINED BY A PRIVATE ENTITY.

Section 552(f) of title 5, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) 'record' and any other term used in this section in reference to information includes—

''(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

''(B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.''.

SEC. 10. OFFICE OF GOVERNMENT INFORMATION SERVICES.

(a) IN GENERAL.—Section 552 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) There is established the Office of Government Information Services within the National Archives and Records Administration.

''(2) The Office of Government Information Services shall—

''(A) review policies and procedures of administrative agencies under this section;

''(B) review compliance with this section by administrative agencies; and

''(C) recommend policy changes to Congress and the President to improve the administration of this section.

''(3) The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

''(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of this section and issue reports detailing the results of such audits.

''(j) Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

''(k) The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

''(1) have agency-wide responsibility for efficient and appropriate compliance with this section;

''(2) monitor implementation of this section throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing this section;

''(3) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of this section;

''(4) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing this section;

''(5) facilitate public understanding of the purposes of the statutory exemptions of this section by including concise descriptions of the exemptions in both the agency's handbook issued under subsection (g), and the agency's annual report on this section, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply; and

''(6) designate one or more FOIA Public Liaisons.

''(l) FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a requester under this section can raise concerns about the service the requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center Staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.''.

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

SEC. 11. REPORT ON PERSONNEL POLICIES RELATED TO FOIA.

Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report that examines—

(1) whether changes to executive branch personnel policies could be made that would—

(A) provide greater encouragement to all Federal employees to fulfill their duties under section 552 of title 5, United States Code; and

(B) enhance the stature of officials administering that section within the executive branch;

(2) whether performance of compliance with section 552 of title 5, United States Code, should be included as a factor in personnel performance evaluations for any or all categories of Federal employees and officers;

(3) whether an employment classification series specific to compliance with sections 552 and 552a of title 5, United States Code, should be established;

(4) whether the highest level officials in particular agencies administering such sections should be paid at a rate of pay equal to or greater than a particular minimum rate; and

(5) whether other changes to personnel policies can be made to ensure that there is a clear career advancement track for individuals interested in devoting themselves to a career in compliance with such sections; and

(6) whether the executive branch should require any or all categories of Federal employees to undertake awareness training of such sections.

SEC. 12. REQUIREMENT TO DESCRIBE EXEMPTIONS AUTHORIZING DELETIONS OF MATERIAL PROVIDED UNDER FOIA.

Section 552(b) of title 5, United States Code, is amended in the matter after paragraph (9)—

(1) in the second sentence, by inserting after ''amount of information deleted'' the following: '', and the exemption under which the deletion is made,''; and

(2) in the third sentence, by inserting after ''amount of the information deleted'' the following: '', and the exemption under which the deletion is made,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

I rise today in support of final passage of S. 2488, the Openness Promotes Effectiveness in Our National Government Act of 2007, or the OPEN Government Act.

This bill is a companion measure to legislation that I introduced earlier this session, H.R. 1309, the Freedom of Information Act Amendments of 2007, which was passed by the House in March. After months of negotiations between both Chambers, S. 2488 provides a strong, reasonable and bipartisan approach to streamlining the FOIA process and increasing transparency in government.

Two key provisions within the OPEN Government Act include expanding access to attorneys' fees for citizens who successfully challenge an agency's denial of information, along with the creation of a new FOIA tracking system for pending requests.

In addition, the bill will require agencies to disclose the type of FOIA exemptions used to redact specific information sought after in many requests.

Lastly, the bill will establish a government-wide ombudsman to help reduce the number of requests that are eventually resolved through costly and time-consuming litigation.

S. 2488 provides actual access to government information to which the American people are entitled. I want to thank all of the Members and staff who have contributed to the development of this legislation. I urge my colleagues to support its passage.

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

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 2488, legislation to reform the process for the public to request and receive information under the Freedom of Information Act.

For 40 years, FOIA has ensured the public's access to government records. The 1966 act replaced the old need-to-know standard with today's right-to-know practice, placing the burden on the government to justify any need for secrecy.

However, the FOIA process has recently struggled to keep up with the public's demand for documents. Since 2002, FOIA requests have increased dramatically. This additional volume has delayed processing and created backlogs.

Legislation designed to streamline and improve the FOIA process was championed last Congress by Mr. SMITH from Texas. His bill moved through subcommittee to the full committee with the assistance of the chairman of the Government Management Subcommittee, Mr. PLATTS.

In addition, President Bush issued an executive order in December 2005 which adopted many of the process improvements contained in Mr. SMITH's legislation, making FOIA operations more citizen-centric and results oriented.

This Congress, the majority took this bill and made additional changes but moved beyond process reforms and into substantive changes to FOIA policy. Although I had a number of concerns

with the House legislation, I supported it in an effort to improve FOIA overall. In the intervening months since the House passed its version, we have been able to work with the Senate and the administration to improve the House bill and make it more balanced. I urge my colleagues to support this compromise legislation.

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

Mr. CLAY. Mr. Speaker, I would like to thank the gentleman from Virginia, the ranking member, for working with the majority on this important piece of legislation and getting this product to the floor.

At this time, Mr. Speaker, I would also like to thank our esteemed chairman of the Oversight and Government Reform Committee, Mr. WAXMAN, for his leadership on shepherding this bill through the Congress and would like to recognize the gentleman from California for such time as he may consume.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding to me and I want to congratulate him on this accomplishment. This is a very good bill. Many people have played an important role in getting this bill to us today, and none any less than the chairman of the subcommittee who has shepherded it through to this point.

I rise in support of the OPEN Government Act. The bill contains important provisions to improve public access to government records. This year the House of Representatives passed a series of good government bills to improve openness and accountability in the executive branch. These bills include legislation to increase access to Presidential records, improve contractor accountability, strengthen whistleblower protections, disclose information about donors to Presidential libraries, and enhance the independence of agency inspectors general.

This bill, S. 2488, is the first part of this reform agenda that Congress will enact into law.

The Senate bill is not as strong as the House-passed bill. It does not include a provision which I thought was a key one establishing a presumption that government records should be released to the public unless there is a good reason to keep them secret. But the legislation does include important reforms to the Freedom of Information Act, our Nation's best-known and most widely used open government law.

The provisions in this bill will help FOIA requesters obtain responses to their requests, reduce backlog at all agencies, and increase transparency in agency compliance, improve access to attorneys' fees for requesters who are improperly denied information, and provide an alternative to litigation for requesters who are facing delay or denials.

The Bush administration has an obsession with secrecy. Over the last 7 years, it has systematically undermined our open government laws, while radically expanding its powers to operate in secret. Government today has more power than ever to peer into the private lives of American citizens; yet American citizens know less and less about what their government is actually doing.

It will take a concerted effort over many years to peel back this curtain of secrecy. We need to restore the presumption that government records belong to the taxpayer. We need more certain deadlines and stronger penalties if this legislation makes little headway in reducing FOIA delays. And we still need to enact the other good government reforms that this body has already passed but that remain stalled in the Senate.

But this bill is a good first step. I am proud that this Congress is fighting for the public's right to know and urge adoption of this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, before I yield to my friend from Texas, I also want to thank Mr. CLAY, the subcommittee chairman, for helping to mold this and bring it to the floor; Mr. TURNER from Ohio, who is the ranking member; Mr. PLATTS; and of course Chairman WAXMAN for his leadership on this issue.

Let me also add, on the majority staff, Anna Laitan has taken a lead role, and we appreciate the work of she and other staff members. And on the minority staff, Mason Allinger, Chas Phillips and Ellen Brown for their work on this.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank the gentleman from Virginia (Mr. DAVIS) not only for yielding me time, but also for his favorable mention a few minutes ago when he was speaking.

Mr. Speaker, I strongly support the Openness Promotes Effectiveness in our National Government Act of 2007.

This legislation gives the public more information and better insight into the workings of the government by strengthening the Freedom of Information Act, called FOIA. FOIA performs a vital check and balance on the Federal branch. It protects our open system of government and ensures that the government responds as it should to the American people. Unfortunately, the process for obtaining information is overly burdensome and Federal agencies have become less and less responsive to the requests for information. This deters citizens from obtaining information to which they are entitled.

Taxpayers should have the opportunity to obtain information from the Federal Government quickly and easily. This legislation contains several provisions similar to those in a bill I introduced last March. These include provisions regarding recovery of attorneys' fees, penalties for agencies that do not comply within the specified FOIA time limits, and additional agency reporting requirements.

I am pleased that the bill under consideration today creates a more open government without threatening national security or invading personal privacy. The ability to obtain records from the Federal Government is one of the fundamental rights of the American people. When the government closes the doors on information, the people cannot monitor their government. Democracy is based on the people's right to know. That is why I support the Freedom of Information Act.

Mr. Speaker, this bill rightly makes it easier for citizens to get answers to their requests for information, and that's why I hope all of my colleagues will support it.

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

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Mr. DAVIS of Virginia. Mr. Speaker, I want to just take a moment to highlight some of the improvements that have been made to this legislation since the House-passed version last March.

First, we clarified the definition of news media for purposes of fee waiver requests. New methods for gathering and delivering news are constantly developing. The definition of news, indeed, the definition of a journalist is evolving rapidly. We provided a balanced framework for making that determination, one that we think makes sense in the era of new media.

Second, this legislation raises the threshold for the recovery of attorneys' fees, compared to what was included in the House-passed bill. The new threshold is a step in the right direction, but I remained concerned the threshold in S. 2488 is still too low. I hope we'll continue to take a close look at the substance of this provision because ultimately attorneys' fees come out of the taxpayers' pockets.

Finally, I am pleased to note the provision repealing the so-called Ashcroft memorandum was eliminated, and I know this was also of concern to the gentleman from Texas. The Ashcroft memorandum established that the administration would defend agency decisions to withhold records under a FOIA exemption if the decision was supported by a sound legal basis, replacing the pre-9/11 Janet Reno standard of always releasing information absent foreseeable harm. I think preservation of the Ashcroft policy is the right policy to adopt in the current environment.

As I've stated since we began work on this legislation, improving the procedural aspects of FOIA should be our goal. It's something we all agree on, and this bill moves us closer to that. Although the debate on the appropriate balance between open access and protected records will go on, I trust we'll continue to try to balance national security with the vital principles of open government.

Once again, I urge my colleagues to support this legislation. I again want to commend the gentleman from Missouri for his work on this.

Mr. Speaker, I yield back.

Mr. CLAY. Mr. Speaker, in closing, let me thank all of my colleagues too for the work that they did to craft this piece of legislation that I think goes a long way in improving FOIA. And S. 2488 provides a strong, reasonable, and bipartisan approach to streamlining the FOIA process and increasing transparency in our government. It also provides actual access to government information to which the American people are entitled.

Again, let me thank all of my colleagues for their support and help and effort on this legislation. And I urge my colleagues to support its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the Senate bill, S. 2488.

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

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and Technology:

December 18, 2007.

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

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Science and Technology, effective today.

Sincerely,

ROBERT J. WITTMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and Technology:

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

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

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Science and Technology, effective today.

Sincerely,

ROBERT E. LATTA,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007''.

SEC. 2. TRANSFER OF PERSONNEL.

(a) TRANSFERS.—

(1) LIBRARY OF CONGRESS POLICE EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under subsection (b).

(2) LIBRARY OF CONGRESS POLICE CIVILIAN EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

(b) TREATMENT OF LIBRARY OF CONGRESS POLICE EMPLOYEES.—

(1) DETERMINATION OF STATUS WITHIN CAPITOL POLICE.—

(A) ELIGIBILITY TO SERVE AS MEMBERS OF THE CAPITOL POLICE.—A Library of Congress Police employee shall become a member of the Capitol Police on the employee's transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

(i) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account paragraph (3)(A)), on the date such employee becomes 60 years of age.

(ii) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

(iii) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

(B) SERVICE AS CIVILIAN EMPLOYEE OF CAPITOL POLICE.—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee's transfer date.

(C) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

(D) DEADLINE FOR DETERMINATIONS.—The Chief of the Capitol Police shall complete the determinations required under this paragraph for all Library of Congress Police employees not later than September 30, 2009.

(2) EXEMPTION FROM MANDATORY SEPARATION.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

(A) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

(B) the date on which the individual—

(i) is 57 years of age or older; and

(ii) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account paragraph (3)(A)).

(3) TREATMENT OF PRIOR CREDITABLE SERVICE FOR RETIREMENT PURPOSES.—

(A) PRIOR SERVICE FOR PURPOSES OF ELIGIBILITY FOR IMMEDIATE RETIREMENT AS MEMBER OF CAPITOL POLICE.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol Police included in calculating the employee's service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

(B) PRIOR SERVICE FOR PURPOSES OF COMPUTATION OF ANNUITY.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this subsection that was accrued prior to becoming a member of the Capitol Police—

(i) shall be treated and computed as employee service under section 8339 or section 8415 of such title; but

(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of applying any formula under section 8339(b), 8339(q), 8415(c), or 8415(d) of such title under which a percentage of the individual's average pay is multiplied by the years (or other period) of such service.

(c) DUTIES OF EMPLOYEES TRANSFERRED TO CIVILIAN POSITIONS.—

(1) DUTIES.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under subsection (a)(2) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under subsection (b)(1)(B), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under subsection (a)(2) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the United States Capitol Police under this section.

(2) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this subsection shall not be appealable or reviewable in any manner.

(d) PROTECTING STATUS OF TRANSFERRED EMPLOYEES.—

(1) NONREDUCTION IN PAY, RANK, OR GRADE.—The transfer of any individual under this section shall not cause that individual to be separated or reduced in basic pay, rank or grade.

(2) LEAVE AND COMPENSATORY TIME.—Any annual leave, sick leave, or other leave, or compensatory time, to the credit of an individual transferred under this section shall be transferred to the credit of that individual as a member or an employee of the Capitol Police (as the case may be). The treatment of leave or compensatory time transferred under this section shall be governed by regulations of the Capitol Police Board.

(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Chief of the Capitol Police may not impose a period of probation with respect to the transfer of any individual who is transferred under this section.

(e) RULES OF CONSTRUCTION RELATING TO EMPLOYEE REPRESENTATION.—

(1) EMPLOYEE REPRESENTATION.—Nothing in this Act shall be construed to authorize any labor organization that represented an individual who was a Library of Congress police employee or a Library of Congress police civilian

employee before the individual's transfer date to represent that individual as a member of the Capitol Police or an employee of the Capitol Police after the individual's transfer date.

(2) AGREEMENTS NOT APPLICABLE.—Nothing in this Act shall be construed to authorize any collective bargaining agreement (or any related court order, stipulated agreement, or agreement to the terms or conditions of employment) applicable to Library of Congress police employees or to Library of Congress police civilian employees to apply to members of the Capitol Police or to civilian employees of the Capitol Police.

(f) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL POLICE.—Nothing in this Act shall be construed to affect the authority of the Chief of the Capitol Police to—

(1) terminate the employment of a member of the Capitol Police or a civilian employee of the Capitol Police; or

(2) transfer any individual serving as a member of the Capitol Police or a civilian employee of the Capitol Police to another position with the Capitol Police.

(g) TRANSFER DATE DEFINED.—In this Act, the term ''transfer date'' means, with respect to an employee—

(1) in the case of a Library of Congress Police employee who becomes a member of the Capitol Police, the first day of the first pay period applicable to members of the United States Capitol Police which begins after the date on which the Chief of the Capitol Police issues the written certification for the employee under subsection (b)(1);

(2) in the case of a Library of Congress Police employee who becomes a civilian employee of the Capitol Police, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2009; or

(3) in the case of a Library of Congress Police civilian employee, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2008.

(h) CANCELLATION IN PORTION OF UNOBLIGATED BALANCE OF FEDLINK REVOLVING FUND.—Amounts available for obligation by the Librarian of Congress as of the date of the enactment of this Act from the unobligated balance in the revolving fund established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182c) for the Federal Library and Information Network program of the Library of Congress and the Federal Research program of the Library of Congress are reduced by a total of $560,000, and the amount so reduced is hereby cancelled.

SEC. 3. TRANSITION PROVISIONS.

(a) TRANSFER AND ALLOCATIONS OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—Effective on the transfer date of any Library of Congress Police employee and Library of Congress Police civilian employee who is transferred under this Act—

(A) the assets, liabilities, contracts, property, and records associated with the employee shall be transferred to the Capitol Police; and

(B) the unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the employee shall be transferred to and made available under the appropriations accounts for the Capitol Police for ''Salaries'' and ''General Expenses'', as applicable.

(2) JOINT REVIEW.—During the transition period, the Chief of the Capitol Police and the Librarian of Congress shall conduct a joint review of the assets, liabilities, contracts, property records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the transfer under this Act.

(b) TREATMENT OF ALLEGED VIOLATIONS OF CERTAIN EMPLOYMENT LAWS WITH RESPECT TO TRANSFERRED INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), in the case of an alleged violation of any covered law (as defined in paragraph (4)) which is alleged to have occurred prior to the transfer date with respect to an individual who is transferred under this Act, and for which the individual has not exhausted all of the remedies available for the consideration of the alleged violation which are provided for employees of the Library of Congress under the covered law prior to the transfer date, the following shall apply:

(A) The individual may not initiate any procedure which is available for the consideration of the alleged violation of the covered law which is provided for employees of the Library of Congress under the covered law.

(B) To the extent that the individual has initiated any such procedure prior to the transfer date, the procedure shall terminate and have no legal effect.

(C) Subject to paragraph (2), the individual may initiate and participate in any procedure which is available for the resolution of grievances of officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to provide for consideration of the alleged violation. The previous sentence does not apply in the case of an alleged violation for which the individual exhausted all of the available remedies which are provided for employees of the Library of Congress under the covered law prior to the transfer date.

(2) SPECIAL RULES FOR APPLYING CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—In applying paragraph (1)(C) with respect to an individual to whom this subsection applies, for purposes of the consideration of the alleged violation under the Congressional Accountability Act of 1995—

(A) the date of the alleged violation shall be the individual's transfer date;

(B) notwithstanding the third sentence of section 402(a) of such Act (2 U.S.C. 1402(a)), the individual's request for counseling under such section shall be made not later than 60 days after the date of the alleged violation; and

(C) the employing office of the individual at the time of the alleged violation shall be the Capitol Police Board.

(3) EXCEPTION FOR ALLEGED VIOLATIONS SUBJECT TO HEARING PRIOR TO TRANSFER.—Paragraph (1) does not apply with respect to an alleged violation for which a hearing has commenced in accordance with the covered law on or before the transfer date.

(4) COVERED LAW DEFINED.—In this subsection, a ''covered law'' is any law for which the remedy for an alleged violation is provided for officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) AVAILABILITY OF DETAILEES DURING TRANSITION PERIOD.—During the transition period, the Chief of the Capitol Police may detail additional members of the Capitol Police to the Library of Congress, without reimbursement.

(d) EFFECT ON EXISTING MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect during the transition period, subject to—

(1) the provisions of this Act; and

(2) such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding, consistent with the provisions of this Act.

(e) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE LIBRARIAN OF CONGRESS.—Nothing in this Act shall be construed to affect the authority of the Librarian of Congress to—

(1) terminate the employment of a Library of Congress Police employee or Library of Congress Police civilian employee; or

(2) transfer any individual serving in a Library of Congress Police employee position or Library of Congress Police civilian employee position to another position at the Library of Congress.

SEC. 4. POLICE JURISDICTION, UNLAWFUL ACTIVITIES, AND PENALTIES.

(a) JURISDICTION.—

(1) EXTENSION OF CAPITOL POLICE JURISDICTION.—Section 9 of the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946 (2 U.S.C. 1961) is amended by adding at the end the following:

''(d) For purposes of this section, 'United States Capitol Buildings and Grounds' shall include the Library of Congress buildings and grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j), except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds are located.''.

(2) REPEAL OF LIBRARY OF CONGRESS POLICE JURISDICTION.—The first section and sections 7 and 9 of the Act of August 4, 1950 (2 U.S.C. 167, 167f, 167h) are repealed on October 1, 2009.

(b) UNLAWFUL ACTIVITIES AND PENALTIES.—

(1) EXTENSION OF UNITED STATES CAPITOL BUILDINGS AND GROUNDS PROVISIONS TO THE LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

(A) CAPITOL BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting ''all buildings on the real property described under section 5102(d)'' after ''(including the Administrative Building of the United States Botanic Garden)''.

(B) CAPITOL GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

''(d) LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j).

''(2) AUTHORITY OF LIBRARIAN OF CONGRESS.—Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715).''.

(C) CONFORMING AMENDMENT RELATING TO DISORDERLY CONDUCT.—Section 5104(e)(2) of title 40, United States Code, is amended by striking subparagraph (C) and inserting the following:

''(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

''(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

''(ii) the Library of Congress;''.

(2) REPEAL OF OFFENSES AND PENALTIES SPECIFIC TO THE LIBRARY OF CONGRESS.—Sections 2, 3, 4, 5, 6, and 8 of the Act of August 4, 1950 (2 U.S.C. 167a, 167b, 167c, 167d, 167e, and 167g) are repealed.

(3) SUSPENSION OF PROHIBITIONS AGAINST USE OF LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—Section 10 of the Act of August 4, 1950 (2 U.S.C. 167i) is amended by striking ''2 to 6, inclusive, of this Act'' and inserting ''5103 and 5104 of title 40, United States Code''.

(4) CONFORMING AMENDMENT TO DESCRIPTION OF LIBRARY OF CONGRESS GROUNDS.—Section 11

of the Act of August 4, 1950 (2 U.S.C. 167j) is amended—

(A) in subsection (a), by striking ''For the purposes of this Act the'' and inserting ''The'';

(B) in subsection (b), by striking ''For the purposes of this Act, the'' and inserting ''The'';

(C) in subsection (c), by striking ''For the purposes of this Act, the'' and inserting ''The''; and

(D) in subsection (d), by striking ''For the purposes of this Act, the'' and inserting ''The''.

(c) CONFORMING AMENDMENT RELATING TO JURISDICTION OF INSPECTOR GENERAL OF LIBRARY OF CONGRESS.—Section 1307(b)(1) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(b)), is amended by striking the semicolon at the end and inserting the following: '', except that nothing in this paragraph may be construed to authorize the Inspector General to audit or investigate any operations or activities of the United States Capitol Police;''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2009.

SEC. 5. COLLECTIONS, PHYSICAL SECURITY, CONTROL, AND PRESERVATION OF ORDER AND DECORUM WITHIN THE LIBRARY.

(a) ESTABLISHMENT OF REGULATIONS.—The Librarian of Congress shall establish standards and regulations for the physical security, control, and preservation of the Library of Congress collections and property, and for the maintenance of suitable order and decorum within Library of Congress.

(b) TREATMENT OF SECURITY SYSTEMS.—

(1) RESPONSIBILITY FOR SECURITY SYSTEMS.—In accordance with the authority of the Capitol Police and the Librarian of Congress established under this Act, the amendments made by this Act, and the provisions of law referred to in paragraph (3), the Chief of the Capitol Police and the Librarian of Congress shall be responsible for the operation of security systems at the Library of Congress buildings and grounds described under section 11 of the Act of August 4, 1950, in consultation and coordination with each other, subject to the following:

(A) The Librarian of Congress shall be responsible for the design of security systems for the control and preservation of Library collections and property, subject to the review and approval of the Chief of the Capitol Police.

(B) The Librarian of Congress shall be responsible for the operation of security systems at any building or facility of the Library of Congress which is located outside of the District of Columbia, subject to the review and approval of the Chief of the Capitol Police.

(2) INITIAL PROPOSAL FOR OPERATION OF SYSTEMS.—Not later than October 1, 2008, the Chief of the Capitol Police, in coordination with the Librarian of Congress, shall prepare and submit to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate an initial proposal for carrying out this subsection.

(3) PROVISIONS OF LAW.—The provisions of law referred to in this paragraph are as follows:

(A) Section 1 of the Act of June 29, 1922 (2 U.S.C. 141).

(B) The undesignated provision under the heading ''General Provision, This Chapter'' in chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (2 U.S.C. 141a).

(C) Section 308 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 1964).

(D) Section 308 of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 1965).

SEC. 6. PAYMENT OF CAPITOL POLICE SERVICES PROVIDED IN CONNECTION WITH RELATING TO LIBRARY OF CONGRESS SPECIAL EVENTS.

(a) PAYMENTS OF AMOUNTS DEPOSITED IN REVOLVING FUND.—Section 102(e) of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182b(e)) is amended to read as follows:

''(e) USE OF AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

''(2) SPECIAL RULE FOR PAYMENTS FOR CERTAIN CAPITOL POLICE SERVICES.—In the case of any amount in the revolving fund consisting of a payment received for services of the United States Capitol Police in connection with a special event or program described in subsection (a)(4), the Librarian shall transfer such amount upon receipt to the Capitol Police for deposit into the applicable appropriations accounts of the Capitol Police.''.

(b) USE OF OTHER LIBRARY FUNDS TO MAKE PAYMENTS.—In addition to amounts transferred pursuant to section 102(e)(2) of the Library of Congress Fiscal Operations Improvement Act of 2000 (as added by subsection (a)), the Librarian of Congress may transfer amounts made available for salaries and expenses of the Library of Congress during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for services provided in connection with a special event or program described in section 102(a)(4) of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services provided by the United States Capitol Police on or after the date of the enactment of this Act.

SEC. 7. OTHER CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 1015 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note) and section 1006 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1901 note; Public Law 108–83; 117 Stat. 1023) are repealed.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 2009.

SEC. 8. DEFINITIONS.

In this Act—

(1) the term ''Act of August 4, 1950'' means the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress,'' (2 U.S.C. 167 et seq.);

(2) the term ''Library of Congress Police employee'' means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167);

(3) the term ''Library of Congress Police civilian employee'' means an employee of the Library of Congress Office of Security and Emergency Preparedness who provides direct administrative support to, and is supervised by, the Library of Congress Police, but shall not include an employee of the Library of Congress who performs emergency preparedness or collections control and preservation functions; and

(4) the term ''transition period'' means the period the first day of which is the date of the enactment of this Act and the final day of which is September 30, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House passed H.R. 3690 on December 5. Aware of the urgency of this bill, the Senate passed it last night by unanimous consent with two amendments. One is a technical correction, and the other is a clarification. Neither makes a policy change.

I know of no controversy and urge the House to concur in the Senate amendment, clear the bill for the President, and expedite implementation of this long overdue merger.

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

Mr. EHLERS. Mr. Speaker, I continue to support H.R. 3690, after its amendment by the Senate. This bill would provide for the merger between the Library of Congress Police and the United States Capitol Police. The Senate has returned this bill with minor technical changes and clarifying language regarding the computation of annuities for retiring police officers with prior service. These changes are both accurate and appropriate, and I thank my colleagues in the other body for their work on this bill.

As I've said before, I'm confident that while the Library of Congress Police and the U.S. Capitol Police Force have different protocols and objectives, this merger will leverage the institutional knowledge of the Library staff with the expertise of the Capitol Police for the benefit of both organizations.

I look forward to partnering with Chairman BRADY, who's done yeoman work on this issue, to ensure that the committee maintains ongoing communications with the Library and Capitol Police so that going forward both organizations have the resources and assistance they need to successfully integrate their law enforcement divisions. In particular, we wish to provide the Library and the Capitol Police with a means to communicate with the Congress on the progress of the merger and consider any guidance or resources that they require to achieve long-term success.

I urge my colleagues to join me in supporting this bill, as amended; and it will ensure that the Library's treasures are protected from harm and preserved for generations to come.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an ''aye'' vote, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3690.

The question was taken.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for

Members to have 5 legislative days within which to revise and extend their remarks on the matter just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H. Res. 884, by the yeas and nays;

Concurring in the Senate amendment to H.R. 3690, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENTS TO H.R. 3997, HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 884, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. LARSON) that the House suspend the rules and agree to the resolution, H. Res. 884.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 1181]

YEAS—411

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

NOT VOTING—21

Andrews
Bishop (UT)
Butterfield
Cubin
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Simpson
Sutton
Thompson (CA)
Udall (NM)
Weller
Wexler
Woolsey

□ 1747

Ms. GRANGER and Mr. UDALL of Colorado changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SUTTON. Madam Speaker, on rollcall vote No. 1181, I was unavoidably detained. Had I been present, I would have voted ''yea.''

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 3690, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3690.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 1182]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar

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

NOT VOTING—19

Boustany
Butterfield
Cubin
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
Lynch
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Thompson (CA)
Udall (NM)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1756

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on December 18, 2007, I missed nine votes because of scheduled eye surgery in Dallas.

Were I able to attend today's session in the House of Representatives, I would have voted "yea" on rollcall votes Nos. 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181 and 1182.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2499. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

□ 1800

HONORING BUCHANAN, GEORGIA ON THE OCCASION OF ITS 150TH ANNIVERSARY

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

Mr. GINGREY. Madam Speaker, I rise today to honor the City of Buchanan, Georgia, on the occasion of its 150th anniversary.

The City of Buchanan, which is located in the southwest corner of Georgia's 11th Congressional District, was incorporated on December 22, 1857. Named after former President James Buchanan, Buchanan, Georgia, has served as the county seat of Haralson County since its incorporation back in 1857.

As Americans, we celebrate the role of history in our daily lives, and we strive to preserve the heritage that has shaped us both as a people and as a Nation. Buchanan is truly a living example of that heritage, a city that is small in population, but abundant in heart, and that represents Georgia's warm and welcoming character so well.

Madam Speaker, Georgians take great pride in celebrating the traditions of our communities. The growth, rebirth and preservation of these historic towns are important to us all, for these communities are the very backbone of our great Nation.

And so, therefore, I ask that my colleagues join me in congratulating the citizens of Buchanan on the city's sesquicentennial celebration of 150 years.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 15, 2008

The SPEAKER pro tempore (Ms. BALDWIN) laid before the House the following communication from the Speaker:

WASHINGTON, DC.
December 18, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 15, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

(Mr. BUTTERFIELD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING CONGRESSWOMAN JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY. Madam Speaker, I rise today to stand with my colleagues to honor a truly remarkable Member of Congress, my friend, JULIA CARSON.

There are a lot of people in Washington, D.C., that sometimes forget their roots or why they want to be

here; not JULIA CARSON. JULIA never forgot why she was here or who she represented. She was here to expand the opportunities for others, to end inequalities in our society, and to seek justice for every American.

One of her most significant and meaningful accomplishments in the House was her effort to honor Rosa Parks with a Congressional Gold Medal. In the remarks that JULIA delivered when she introduced this bill, she said, ''the quiet courage of Rosa Parks changed the course of American history.''

For those of us who knew and worked with JULIA, we knew that she was not always quiet, but that the course of American history has always been changed by her courage. One of JULIA's greatest attributes was that it didn't matter who you were or where you came from or the color of your skin or the money in your pocket. She was happy to work with anyone who shared her commitment to treating everyone with respect and dignity.

Her relationship with a good friend of hers, Alan Hogan, comes to mind. Somehow, at age 17, a suburban boy from southeastern Indiana found a mentor in Ms. JULIA. Their mutual affection for each other and their work to promote justice and equality resonated with Alan and turned into a lifelong friendship. Her actions inspired Alan to fight to end social injustices, including working to ensure that young African American athletes were not exploited for their talents and that they received quality education when recruited to top-notch colleges and universities for their athletic scholarships.

Ms. JULIA affected Alan's life in a profound way, and I know she has uplifted countless others that I cannot begin to list here tonight. While she may have had many pieces of legislation that she could acknowledge as great accomplishments, I see an army of volunteers, like Alan, who will continue to carry her work as the greatest of her legacies.

JULIA's humanity always pierced through people's preconceived notions of what kind of stereotype she should fit into. You could never pigeonhole JULIA CARSON or predict what she could do or what she would say next. And it often left all of us at the edge of our seat, trying to predict what she would say next.

JULIA has said that it was Rosa Parks who paved the way for her to come to Congress. I believe that JULIA's work as a representative has paved the way and opened the doors for countless young Americans who I hope will follow in her footsteps and achieve great things.

Thank you, Ms. JULIA CARSON, for your friendship and for your legacy of justice and equality for all. We love you, and we will always miss you.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNJUST PROSECUTION AND APPEAL OF FORMER BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, it has been 336 days since two United States Border Patrol agents entered Federal prison. Agents Ramos and Compean were convicted in March of 2006 for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. They're serving 11 and 12 years in prison.

Earlier this month, the White House released its list of 29 pardons which are traditionally granted around Christmastime. Among the list of pardons were those convicted of conspiring to import marijuana, possessing a stolen motor vehicle and distributing cocaine.

Madam Speaker, there are 7 days until Christmas, yet Agents Ramos and Compean, who were doing their duty to protect the American people from an illegal alien drug smuggler, are still in Federal prison, away from their families and loved ones.

There is bipartisan agreement among Members of Congress that the overzealous prosecution of these agents and their excessive prison sentence is a tremendous miscarriage of justice. In recent days, I was pleased to join Congressman ED ROYCE and other House colleagues in writing the President to urge him to ensure that Agents Ramos and Compean are released from jail by Christmas. I was also happy to join Congressman BILL DELAHUNT and others in cosponsoring a resolution calling on the President to commute the agents' sentences to time already served.

A ruling on this case from the 5th United States Circuit Court of Appeals in New Orleans is expected within weeks. Nothing can erase the suffering these agents and their families have undergone and the months they have spent in prison in solitary confinement away from their families; however, a judgment in favor of Ramos and Compean in this appeal would be an important victory and the first act of justice these agents have seen since their arrest.

During the appeal hearing, one of the three judges on this case, Judge E. Grady Jolly, said, ''It does seem to me that the government overreacted here. For some reason, this got way out of hand.''

Madam Speaker, in the eyes of many Americans, the prosecution of these border agents was not justified. An unbiased review of this case by Attorney General Mukasey, a hearing by the House Judiciary Committee and a Presidential pardon for these agents are all steps that can and should be taken to rectify this gross miscarriage of justice.

Through the efforts of this Congress and the American people, I am hopeful that justice will soon prevail for Ramos and Compean, that the nightmare of their imprisonment will end, and they will soon return home to their families and those they long to be with.

Madam Speaker, before I close, I want to ensure the families of Ramos and Compean that those of us in Congress will not forget this injustice until these men are released.

With that, Madam Speaker, I ask God to bless our men and women in uniform and their families, and ask God to continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1815

PUBLIC HOUSING IN NEW ORLEANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Madam Speaker and Members, I rise this evening to basically talk about what is happening in New Orleans and the fact that the city council is going to take a vote on Thursday to determine whether or not they're going to dismantle the big four public housing developments in that city. If they dismantle these public housing units, the City of New Orleans will lose 4,500 units.

These units have been boarded up for 2 years. The citizens who lived in these units were evacuated as a result of Katrina and Rita. They are now living in other cities, Houston and Dallas and Austin and Atlanta, all over the place, and they thought they would be able to return once these units were rehabbed.

These units, many of them, were not destroyed. Some of them had minimal damage. For example, the one housing development, La Fete, only had water damage on the first level. And they could have not only rehabbed that first level of La Fete projects, they could have opened up those other units, but

they did not. They have been boarded up. And people's lives have been in limbo living in these other cities, without the opportunity to come home and without the support that they needed.

In my committee, the Subcommittee on Housing and Community Opportunity, we worked and we put together a bill, H.R. 1227. That bill passed out of that committee and off the floor in March, and we sent it over to the Senate, where it has languished.

But basically, that bill laid out not only the fact that we would do a survey, because HUD was saying, well, many of the people had left, they did not want to come back. In that bill, we asked for a survey to be taken. We also placed in that bill that 3,000 units would be rehabbed right away, people would be given an opportunity to come back who wanted to come back, then the residents would be involved, working with HUD and HANO, that is the local housing authority, and the City of New Orleans to talk about the future of public housing development, what they would like to see.

We are not against redevelopment. We think that there should be planned development. We think that, first of all, they should look at these units and see which of them should remain. They should work with the residents and the local elected officials to talk about what would be redeveloped. And we were very surprised. We were very surprised when just a few days ago they started to dismantle the ''Big Four'' public housing units.

Well, because they started, two different entities went ahead and got restraining orders. They have been working with a non-profit group, the Advancement Project, and Ms. Tracy Washington and Mr. Bill Quigley, two lawyers that got involved and got a restraining order to stop the bulldozers. And then the AFL–CIO that had been working on one of the big developments known in New Orleans to stop that development. So now a lot of people have gotten involved.

The conservancy got involved because some of these are historic properties. And now the city council, it has been thrown into their laps because when they started to look at what HUD was doing in dismantling, they found that they were breaking any number of laws. They had not gotten the permits, and perhaps they don't even have the legal authority by which to do it because they had taken over these public housing projects. They were in receivership. But the time frame for the receivership had run out. And so we don't even know if they have the authority.

So now we have at least one restraining order that remains and the city council that is going to take a vote about each of those. AFL–CIO was involved in the one called St. Bernard, one of the biggest ones.

I have drafted a letter to the members of the city council explaining to them what we thought was an arrangement that we had worked out with the HUD Secretary, Mr. JACKSON, that would do the rehab of a limited number of units and involve the tenants and the plan for the redevelopment of all these units. We are surprised they want to bulldoze them. We are very surprised because homelessness has doubled in New Orleans. There are no rental units. Many of those units were destroyed. People are still living in FEMA's trailers. And to think that they would dismantle 4,500 units of public housing is unconscionable when people are looking for places to live.

So I have developed a letter that is going to the members of the city council and will try to engage them as much as I can to explain what we have done here. We also asked Speaker PELOSI, along with Senator REID, to put together a letter asking the President not to dismantle these units. That letter has gone out. My letter is going out. The telephone calls are going forth. But it is important for the people of this country to understand what is going on.

There were rumors following Rita and Katrina that perhaps some people wanted to change the make-up of New Orleans. Some people wanted to get rid of the poor people and thought that all of that city should really become the tourist attraction with all of the hotels and the gambling and all of the other things, and workers should live outside and not inside New Orleans. And some people think that they are carrying out that kind of a mission and that kind of program. I would just ask the Secretary to not demolish these public housing units. It is Christmastime. To give to the people of New Orleans a Christmas present of tearing down these units is unconscionable.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CUELLAR) is recognized for 5 minutes.

(Mr. CUELLAR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE MEMORY OF SPEAKER TOM MURPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise tonight with a heavy heart, saddened by the loss of not only a constituent, but also one of the most important figures in Georgia government in the modern history of our State. Thomas Bailey Murphy of Bremen, Georgia, Speaker Tom Murphy, was called home to be with the Lord last night at 10 p.m.

A native of Haralson County, Speaker Murphy was born on March 10, 1924, to Leta Jones and William Harvey Murphy. A graduate of Bremen High School and North Georgia College, a young Tom Murphy heard the call of his country and he enlisted in the Navy during World War II. He served in the Pacific theater from 1943 to 1946.

Upon his return home from World War II, Tom Murphy married the love of his life, Agnes Bennett, with whom he shared his life until her death in 1982. Soon after their marriage, Tom Murphy graduated from the University of Georgia School of Law.

And then, Madam Speaker, in 1960, he followed in his brother's footsteps, winning election to the Georgia House of Representatives. In his first seven terms in the legislature, he had the opportunity to serve as the Governor's floor leader and as speaker pro tem until being elected as Speaker of the House in 1973. As Speaker of the Georgia House from 1974 to 2002, he served not only with distinction but also as the longest-serving State House Speaker throughout this entire country.

While Speaker Murphy never forgot his rural roots or his constituency, he also recognized the importance of strengthening our entire State and fostering growth and economic opportunity in the capital city of Atlanta.

During his tenure, Speaker Murphy fought for funding and sponsored the construction of the Georgia World Congress Center as well as the Georgia Dome, the largest cable-supported dome stadium in the entire world. Speaker Murphy also pushed for improved and increased funding for urban transit and suburban roads and freeways. He had the foresight to realize the need to invest not only in destination infrastructure but also in the roads, the buses and trains to get people there.

While Speaker Murphy was a great advocate of his State and of all Georgians, to say he was partisan would be an understatement, Madam Speaker. He believed firmly in the principles of the old-guard Georgia Democratic Party, and he was vehemently loyal to those principles, his party and his members, even to his own personal and political detriment. In 2000, after over 40 years of service to his district, Speaker Murphy won by a narrow margin of about 500 votes in his Republican-trending west Georgia district. And yet later that year, during the decennial redistricting process, Speaker Murphy refused to make his district more Democratic and thus safer, refusing to risk the majorities of his fellow party members that served in contiguous districts and counties.

So in the following election, Madam Speaker, he narrowly lost his seat, but he did so with his conscience intact because he remained loyal to his principles to the end.

During my time in the Georgia senate, I had many opportunities to see Speaker Murphy in action. Though I certainly did not always agree with him, I always respected him, recognizing that above all, he exemplified the scriptural exhortation to ''let your yea be yea and your nay, nay.''

Though his final years were made very difficult by incapacitating stroke,

I know that in his heart and in his mind, he knew that he had served his State and the people of Georgia to the best of his ability; and, indeed, he served them and us with distinction.

While I know that his son, Michael, daughters, Martha, Marjorie, Mary Jane, and all of the grandchildren will miss him dearly, they know that he longed for that reunion with his beloved Agnes. And I have no doubt that when he took his last breath, and he left this world, he was greeted with the words, Thy race is run. Welcome home, My good and faithful servant.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RETIRING LEGISLATIVE DIRECTOR, PAULA L. STEINER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

CONCERNING MISSED ENERGY VOTE

Mr. KING of Iowa. Madam Speaker, initially in the time that you have recognized me for, I would like today to announce to the House that had I been present for the vote on H.R. 6, the energy bill which passed this floor 314–100, I would have voted ''yes'' on that bill.

Madam Speaker, today the House passed H.R. 6 by a vote of 314–100. This legislation contained a large increase in the Renewable Fuel Standard that will greatly benefit to the western Iowa ethanol producers that I represent.

While previous versions of H.R. 6 also contained an increased RFS, they also contained a large tax increase placed on the backs the oil and gas industry. I opposed the previous versions of H.R. 6 for this reason. I oppose tax increases, and I especially oppose tax increases when they will hurt consumers like the Iowa farmers I represent.

Madam Speaker, I am on record as stating that we need more Btu's of energy in America that are produced in America. We need more ethanol, biodiesel, wind, solar, clean coal, oil, gas, nuclear, and geothermal.

America has the ability to produce the Btu's, Congress just needs to remove the restraints so that industry can produce these Btu's. We need to allow the American energy industry to expand the size of the energy pie.

Every once in a while in each Member's congressional career, there come times when things happen that are beyond our control. At the time the vote occurred, I was detained by a prior engagement. Madam Speaker, I believe in the future of bio-fuels. I think this bill did some good things for them. However, this bill also contained some provisions that I do not agree with.

H.R. 6 contained Davis-Bacon provisions. This labor law is the product of Jim Crow laws and needs to be abolished. I may be the only Member of Congress, I know of no others, who has earned Davis-Bacon wages and paid Davis-Bacon wages, and I have lived underneath that for over 30 years, 28 years writing paychecks, over 14 consecutive months meeting payroll. I know what this does. I can tell you the history of it also goes back to an Iowan, an Iowan President, Herbert Hoover.

This is the last remaining Jim Crow law on the books that I know of. It was designed to keep blacks out of the construction trade in New York. Davis-Bacon is prevailing wage by definition, union scale in practice. There is no other way to analyze this. Union scale is what gets produced when the Department of Labor produces the proposed prevailing wage.

As an earth moving contractor, I know first hand how Davis-Bacon prevented my Small Business from competing in the market place. Small businesses are discouraged from bidding on Davis-Bacon public projects because of the complex and archaic rules. The inflated wage requirements and significant redtape burdens of Davis-Bacon shut small employers out of the Federal construction market.

The Davis-Bacon wage mandate also inflates the price tag for public, construction projects—costing you your hard earned taxpayer dollars.

There was over a billion dollars invested in renewable energy in my district last year. There will be over a billion dollars invested this year. All this was done without Davis-Bacon. If Congress is going to impose Davis-Bacon wage scales on rail improvement and carbon sequestration it will burn up at least 20 percent of the capital that can be used.

Regardless of my feelings about Davis-Bacon, I would have voted "yes" for this bill. I would ask that the record reflect this.

PAULA STEINER

Madam Speaker, for the balance of the time that you recognized me, I am motivated to come to the floor and say some words about my retiring legislative director, Paula Steiner. In the time that I came here to Congress, elected in 2002 and sworn in on this floor in January of 2003, Paula has done the job inside our legislative shop for those 5 years persistently, relentlessly and reliably and with significant insight.

I regret that she has to move on for family reasons and those obligations, and when I see the family that has surrounded her, I am really gratified because it is far more important that the family see the best of their mother than that I get the most use out of their mother.

But what I do want to say is that as I travel up and down the district in western Iowa, the western third of Iowa, the 32 counties that are the Fifth Congressional District that stretch from Minnesota to Missouri, and I meet the local officials and the people that are involved in and that are engaged in policy, as this news of Paula turning her focus on her family is, as it trickles through the district, they come up to me one by one and say, I am really going to miss Paula. The Siouxland Chamber's emissary on Friday said, we are really going to miss Paula. The Voice of Glenwood in Mills County said, we are really going to miss Paula.

That is what I came here to say, Madam Speaker: we are going to miss Paula. And this Hill is populated with good, hardworking, loyal people that keep our congressional offices functioning and rolling on a day-by-day basis. And sometimes when you go along outside the Cannon Building or the Rayburn Building or the Longworth Building, you will see late at night the lights are on. Sometimes it is because the maintenance people walked in, emptied the trash and left them on. Sometimes it is because dedicated people that keep our jobs going, keep our operations and our trains running on time are up there burning that candle at both ends so we can step down here and represent our district and represent our people.

The people in the Fifth District of Iowa are better represented than they would have been if I hadn't had the privilege of having Paula Steiner working for me, and I know that her family is going to be very well taken care of if they receive half of the kind of work and labor of love that Paula has demonstrated, and I want to add to that the measure of loyalty. And into this CONGRESSIONAL RECORD I choose not to go down through a series of the anecdotes except to say that it is clear that loyalty is an essential component to a congressional office. It is absolutely there with Paula.

My district says goodbye, thank you very much. I say, Paula, you are part of the extended family. Keep stopping in like you always will. Thank you very much and God bless you.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CARDOZA) is recognized for 5 minutes.

(Mr. CARDOZA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1830

FUNDING THE BUSH PRESIDENTIAL LIBRARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this should be the season of selfless giving, a season where Americans give without any expectation of reward. This should

be a season of joy and happiness when millions enjoy the company of their families and loved ones. But as some of our Nation's elites celebrate this time of giving, they do so with the knowledge that every dollar they give in politics is actually an investment in influence peddling.

Instead of corrupting this season of giving, I hope our public officials will give something back to the American people, something more powerful than money: hope in our government that should be responding to people's needs, not the needs of the powerful few.

The latest example of this sickness afflicting American politics is reflected in our political system being bought out from under us through the system of Presidential libraries whose principals seek to find investors from other countries to help to promote their legacy in perpetuity. Don't believe the logic? Just then follow the money. With President Bush desperately trying to salvage his legacy, action is heating up on funding his Presidential library. While donors to George W. Bush's Presidential library represent a Who's Who in Republican politics, some of these donors have significant business with the White House. According to a recent Harpers magazine article, a wealthy Texas oil man, Ray Hunt, reportedly gave $35 million, $35 million to the Bush Presidential Library.

This same businessman was a big campaign contributor to the Bush-Cheney campaign and, coincidentally, has a stake in a nearly billion-dollar proposal to pipe out Peruvian natural gas. All of our friends who participated in the recent debate on Peru free trade ought to think about this one. In addition, Mr. Hunt is closely involved with a ''legally questionable'' exploration deal with the Iraqi Kurds. Interesting set of friends in this White House.

Estimates now indicate the George W. Bush Presidential Library will cost up to half a billion dollars. A half a billion dollars. Why should a sitting United States President be involved with raising nearly unlimited amounts of money from those seeking influence? The American people surely are not blind. They understand that money buys influence, and a system allowing millions of dollars in unregulated cash corrupts all tents of democracy. We must patch this gaping loophole and prevent the leader of the free world from raising unlimited and unregulated funds for a pet project. This creates as direct a link as one can imagine between money and influence.

With House passage of H.R. 1254, the House of Representatives has clearly demonstrated its intent to provide more accountability for donations made to Presidential libraries. While this legislation is an important step in mandating the disclosure of all donations of more than $200, it does not require the disclosure of all donations from foreign governments, foreign individuals and foreign corporations. The Senate, the other body, should act on Congressman WEXLER's legislation and move forward in giving this legislation teeth.

I would like to place in the RECORD an important article that I referenced in Harper's Magazine, the title of which is, ''On the Hunt: Bush backer seeks $1 billion for Peru project,'' and also an excellent article that was in The Washington Post this past weekend, the headline of which reads, ''Clinton Library Got Funds From Abroad. Saudis said to have given $10 million.'' I ask to include these articles in the RECORD.

This article then goes on to talk about President Bill Clinton's Presidential library, its cost over $165 million, in which foreign sources helped contribute to that, with the most generous overseas donation coming from Saudi Arabia. Now, the last time I looked, Saudi Arabia is the country that sent the vast majority of 9/11 hijackers here. So why should any United States President take money from those kinds of interests?

It seems to me that these Presidential libraries have gone way overboard. Why can't the Archives just take the records. Why do we need all these palaces created around the country for some of these Presidents? What kind of legacy are they leaving us anyway; a Nation that has been hemorrhaging jobs from coast to coast, a Nation that is terribly in debt, in hock, with over half of our U.S. Government bonds now being sold to foreign interests.

President Lincoln never did anything like that. His service was so great, the American people recognized it for what it was. The same was true with Franklin Roosevelt. Why do we have to have these modern-day palaces to egos of these current-day Presidents? It seems to me that Congress ought to curb this really disgusting behavior, because you never really know when you're meeting with a President of the United States and a foreign leader if they are going to be begging money for a library they wish to create for themselves.

Madam Speaker, we need reform in this area as well.

[From Harper's Magazine, Dec. 18, 2007]

ON THE HUNT: BUSH BACKER SEEKS $1 BILLION FOR PERU PROJECT

(By Ken Silverstein)

Beginning tomorrow and over the next few weeks, the World Bank and other lenders will be voting, apparently in favor, on a package worth more than $1 billion to support a controversial pipeline project in Peru. The primary company that would benefit from that money is Hunt Oil, which is headed by Ray Hunt, a Texas oilman who raised huge sums for the Bush/Cheney campaigns and who reportedly has given $35 million for the upcoming Bush Presidential Library. Hunt Oil has recently generated controversy of its own, by signing what the New York Times called a ''legally questionable'' exploration deal with Iraqi Kurds.

The Hunt-led project would ''build a pipeline, a gas liquefaction plant, marine terminal and other facilities to export 4.4 million tons of liquid natural gas annually,'' according to a 2006 story in the Washington Post. The pipeline would ship liquid natural gas that originates in the Camisea Field of Peru's Amazonian rain forest and send it to Mexico and from there, possibly, to U.S. markets.

The Inter-American Development Bank (IDB), in which the U.S. holds a thirty percent stake, will vote tomorrow on up to $900 million in loans for the Hunt Oil project. The U.S. Export-Import Bank (Ex–Im) decides Thursday whether to allocate several hundred million dollars worth of support, and the World Bank will vote on a similar amount in January. The IDB already backed an earlier phase of the Camisea project, which has been plagued by problems. Among the troubles, the Post said, were the spilling of ''thousands of barrels into pristine rivers and killing the fish upon which indigenous communities depend for their livelihood.''

A number of Peruvian and American groups—including Environmental Defense, Oxfam America, and World Wildlife Fund—are asking for further evaluation of the project before multilateral loans are approved. They point to three broad areas of concern. First are social and environmental issues, as the project runs through a spectacular stretch of the Amazon that is home to 12,000 indigenous people. ''The lenders have sold themselves cheap and are not setting high enough standards for their participation,'' said Aaron Goldzimer of Environmental Defense.

Similar concerns were expressed in a December 12 letter to Ex-Im from Senator Patrick Leahy of Vermont—chairman of the subcommittee which monitors Ex-Im and approves the U.S. contribution to the IDB and World Bank—and his House counterpart, Congresswoman Nita Lowey of New York. They wrote:

It is . . . our understanding that there are unfulfilled commitments and serious failures, risks and concerns still pending from the first phase of the project. These include a lack of fully independent monitoring; ongoing corruption investigations . . . new planned infrastructure in the Nahua Kugapakori Reserve which may violate previous commitments; a government audit released last month that identified significant problems with pipeline construction . . . and significant impacts on local culture, human health, fisheries and biodiversity that have not been adequately assessed much less addressed.

Second, the Peruvian government of President Alan Garcia has embarked on an aggressive campaign to dismantle the country's already weak social and environmental institutions. The government recently fired nearly all the directors of a federal environmental authority, and replaced them with political hacks. (Sound familiar?) Garcia recently axed the country's superintendent of protected areas when he voiced objections to a proposal that would opened up a large swath of the Bahuaja Sonene National Park for energy exploration.

Garcia has been attacking critics of domestic energy projects as commies and pro-poverty advocates. Meanwhile, the entire Peruvian Amazon has been divided into concessions for oil and gas development. Two years ago, only 15 percent of the Amazon had been parceled out for energy development. Garcia will undoubtedly take multilateral bank support for the Hunt project as a stamp of approval for his approach and use it to further steamroll his domestic opponents.

Lastly, the economic benefits of the project for Hunt Oil are quite clear but far more dubious in the case of Peru. In their letter to Ex-Imp, Leahy and Lowey said they were concerned that Peru did not have sufficient gas reserves to meet both long-term export requirements and domestic demand.

What that means is that Peru might well pay more for energy imports down the road than it gets now for its exports. Glenn Jenkins, founder of the Program on Investment Appraisal and Management at the Harvard Institute for International Development, prepared an economic analysis of the project for Environmental Defense. He concluded that massive new reserves are discovered, Peru would be worse off from an economic perspective if the project proceeds.

Back in 2003, the Ex-Im, surprisingly, rejected support for the first phase of the project on environmental grounds, and the Bush Administration abstained during the IDB vote. Ray Hunt and his company have been aggressively lobbying in Washington to make sure the administration supports the proposed multilateral funding this time around. Early indications are that the company has succeeded and that the IDB, Ex-Im and World Bank will end up approving support.

[From washingtonpost.com, Dec. 15, 2007]

CLINTON LIBRARY GOT FUNDS FROM ABROAD—SAUDIS SAID TO HAVE GIVEN $10 MILLION

(By John Solomon and Jeffrey H. Birnbaum)

Bill Clinton's presidential library raised more than 10 percent of the cost of its $165 million facility from foreign sources, with the most generous overseas donation coming from Saudi Arabia, according to interviews yesterday.

The royal family of Saudi Arabia gave the Clinton facility in Little Rock about $10 million, roughly the same amount it gave toward the presidential library of George H.W. Bush, according to people directly familiar with the contributions.

The presidential campaign of Sen. Hillary Rodham Clinton (D–N.Y.) has for months faced questions about the source of the money for her husband's presidential library. During a September debate, moderator Tim Russert asked the senator whether her husband would release a donor list. Clinton said she was sure her husband would ''be happy to consider that,'' though the former president later declined to provide a list of donors.

Sen. Barack Obama (D–Ill.) has made an issue of the large yet unidentified contributors to presidential libraries, saying that he wants to avoid even the appearance of impropriety in such donations. Obama has introduced legislation that would require disclosure of all contributions to presidential libraries, including Clinton's, and Congress has actively debated such a proposal. Unlike campaign donations, money given to presidential libraries is often done with limited or no disclosure.

The Clinton library has steadfastly declined to reveal its donors, saying they were promised confidentiality. The William J. Clinton Foundation, which funds the library, is considered a charity whose contributors can remain anonymous.

In response to questions from The Washington Post, the foundation reiterated that it would not discuss specific sizes or sources of donations to honor the commitment it made to donors. But it acknowledged that some of the money Clinton received from the library came from foreign sources.

''As president. he was beloved around the world, so it should come as no surprise that there has been an outpouring of financial support from around the world to sustain his post-presidential work,'' a foundation statement said.

Bill Clinton has solicited donations for the library personally, aides said, but he also delegated much of the fundraising to others, especially Terence R. McAuliffe, a former chairman of the Democratic National Committee and the chairman of Hillary Clinton's presidential campaign. The foundation statement stressed that he has turned over the facility to taxpayers, as other former presidents have.

A handful of major donors' names to the Clinton library were disclosed in 2004 when a New York Sun reporter accessed a public computer terminal at the library that provided a list of donors. Soon after the article appeared, the list of donors was removed.

The amount of the contribution from Saudi Arabia and several other countries, as well as the percentage of the total given by foreigners, had not been revealed.

The Post confirmed numerous seven-figure donors to the library through interviews and tax records of foundations. Several foreign governments gave at least $1 million, including the Middle Eastern nations of Kuwait, Qatar and the United Arab Emirates, as well as the governments of Taiwan and Brunei.

In addition, a handful of Middle Eastern business executives and officials also gave at least $1 million each, according to the interviews. They include Saudi businessmen Abdullah al-Dabbagh. Nasser al-Rashid and Walid Juffali, as well as Issam Fares, a U.S. citizen who previously served as deputy prime minister of Lebanon.

EXPLAINING VOTE ON CHRISTMAS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, there are times when it is important for people to admit when they have made mistakes, and I made one. I voted last week ''present'' on a resolution that it was Christmas. Now, when I read the resolution, I decided to vote ''present'' because it made some controversial statements about the constitutional history of the United States and the role of Christianity in that.

I am not a historian. I don't know whether that was an accurate statement or not, and I didn't want to vote on it one way or the other. It also made a number of statements about Christian theology, about which I am even less expert, being Jewish and not being an expert in other religions. So I voted ''present.''

But it was then called to my attention that earlier this year I had voted for a resolution congratulating people for observing Ramadan, so I was in the awkward position of having voted in favor of celebrating Ramadan and having abstained on Christmas, and the mistake was I should have abstained on Ramadan as well.

The point is, and this reinforces it to me, it is really none of the business of the Congress of the United States as an official body whether or not people celebrate religious holidays. Our job is to preserve a free society in which people are able to celebrate their religious holidays if they wish to. But picking and choosing among religious holidays, seems to me, is odd.

By the way, when you announce you have the power to approve a holiday, I assume that means ordinarily you have the power to disapprove it. Does that mean that we could have said we don't approve of Ramadan or we don't approve of Christmas? Again, these are examples of the intrusiveness.

As I said, I find myself in an odd position, where people said, Are you pro-Ramadan and anti-Christmas? Frankly, I observe neither holiday. I wish well those who do, but as an individual, not as a Member of Congress. In fact, I have had obviously, living in this society, much more association with Christmas. But, again, that's as an individual.

That was driven home to me when I see a debate, particularly on the Republican side, between candidates as to the nature of the religion of my former Governor. This whole tendency further to entangle religion and politics is harmful to both, in my judgment. So I will acknowledge, and I understood when the Ramadan resolution came forward, in fact it was brought forward, let's be honest, for a broadly political reason. People thought that having us celebrate Ramadan might in some way alleviate an anti-American feeling that has grown out of the Iraq war. That is not what you talk about religion for.

So I should have voted ''present'' on both, not out of any disrespect for either religion, but out of respect for a system of democratic governance in which we politicians don't decide what is or isn't good religion. I would hope that that would no longer be part of the Republican Presidential debate. I don't believe Mormon theology has any point there. I will say this: I am no great fan of Governor Romney, nor he of me, but he served for 4 years as Governor of Massachusetts, and I don't remember a day when his religion was relevant.

Deciding that will alleviate any anti-American feelings on Ramadan, and then, okay, we will get back and show you that we are going to talk about Christmas. And we're going to talk about the constitutional history of the United States in these terms, and then let's have a debate about religion. It is not negative about religion to say that religion is best served when politicians do not seek to use it, intrude into it. Our job, again, is to preserve a Nation of freedom in which people can practice religion as they wish. No one ought to be looking for my approval as to this or that religious holiday.

So I will announce in the future I will not applaud people for Ramadan or for Christmas or for Yom Kippur or for any of the other holidays. I will work very hard to make sure every American and everyone in this country can observe those religious freedoms. But entangling us into religion for political purposes is simply a great mistake and serves no good.

Therefore, I do apologize. I erred when I voted for the Ramadan resolution. I should have voted ''present'' on Ramadan. I should have voted ''present'' on Christmas. But, even better, we should simply abstain from bringing into this very political body

of elected people issues about this or that religious holiday. Let's leave religious holidays in peace.

ALLOCATIONS FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 308(b)(1) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to H.R. 6, as passed the Senate on December 13, 2007 (Energy Independence and Security Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

On-budget amounts, in millions of dollars—

	Fiscal year 2007	Fiscal year 2008 [1]	Fiscal years 2008–2012
Current Aggregates: [2]			
Budget Authority	2.250,680	2,350,996	na.
Outlays	2,263,759–	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in the Energy Independence and Security Act (H.R. 6):			
Budget Authority	0	66	n.a.
Outlays	0–	64	n.a.
Revenues	0	1,016	976
Revised Aggregates:			
Budget Authority	2,250,680	2,351,062	n.a.
Outlays	2,263,759–	2,354,018	n.a.
Revenues	1,900.340	2,016,857	11,138,647

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal years, in millions of dollars)

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:————						
Energy and Commerce–	−1	−1	366–	362	−59	−63
Transportation and Infrastructure	0	0	125	0	1,525–	0
Change in the Energy Independence and Security Act (H.R. 6):——						
Energy and Commerce–	0	0–	63	64	589–	582
Transportation and Infrastructure	0	0	3	0	42	0
Total	0–	0	66	64	631	582
Revised allocation:———						
Energy and Commerce–	−1	−1	429–	426	530	519
Transportation and Infrastructure	0	0	128	0–	1,567	0

Under section 310 of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to H.R. 2761, as passed the Senate on November 16, 2007 (Terrorism Risk Insurance Program Reauthorization Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

On-budget amounts, in millions of dollars—

	Fiscal year 2007	Fiscal year [1] 2008	Fiscal years 2008–2012
Current Aggregates: [2]			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,137,671

BUDGET AGGREGATES—Continued

On-budget amounts, in millions of dollars—

	Fiscal year 2007	Fiscal year [1] 2008	Fiscal years 2008–2012
Change in the Terrorism Risk Insurance Program Reauthorization Act (H.R. 2761):			
Budget Authority	0	200	n.a.
Outlays	0	200	n.a.
Revenues	0	0	3,100
Revised Aggregates:			
Budget Authority	2,250,680	2,351,196	n.a.
Outlays	2,263,759	2,354,154	n.a.
Revenues	1,900,340	2,015,841	11,140,771

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

DIRECTING SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTIONS CHANGES

(Fiscal years, in millions of dollars)

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Financial Services	0	0	0	0	0	0
Change in the Terrorism Risk Insurance Program Reauthorization Act (H.R. 2761):						
Financial Services	0	0	200	200	3,100	3,100
Revised allocation:						
Financial Services	0	0	200	200	3,100	3,100

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my upcoming Special Order.

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

There was no objection.

TRIBUTE TO THE LATE CONGRESSWOMAN JULIA CARSON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Madam Speaker, 1st Samuel, chapter 20, verse 18, reads as follows: ''Then Jonathan said to David, tomorrow is the New Moon Festival. You will be missed because your seat will be empty.''

Tonight, the Congressional Black Caucus and the Indiana delegation pause to celebrate the life of a great woman whose seat now stands empty here in the House of Representatives, Congresswoman JULIA CARSON.

Congresswoman CARSON passed away this past Saturday after a long bout with lung cancer. And while her seat is empty, her spirit lives on in our hearts. She was unique. She often reminded me of the elders in my family. They are

strong in their convictions and don't pull any punches when making their point; yet they have a witty and humorous way about them that can disarm even their most ardent opponent. That was Congresswoman JULIA CARSON.

Even though she was in her last illness, she did not let that stop her from advocating on behalf of her constituents. And she never complained. She always greeted you with a warm smile and that unmistakable humor which always made you feel good.

She was a trailblazer, born in poverty and racial segregation to a teenage single mother. She came through the political ranks to become the first African American and woman elected to Congress from Indianapolis. A strong advocate for her constituents, she was not afraid to take a stand, be it popular or unpopular.

Madam Speaker, I will include for the RECORD an article that was in today's Roll Call that was written by her predecessor Andy Jacobs as a guest observer and was entitled ''Remembering Congress' Jewel Named Julia.'' It is a wonderful article. I won't go through it because we have a lot of people here who want to speak about their remembrances of our wonderful colleague JULIA CARSON.

[From Roll Call, Dec. 18, 2007]

REMEMBERING CONGRESS' JEWEL NAMED JULIA

(By Andy Jacobs, Jr.)

''Look where he came from and look where he went; and wasn't he a kind of tough struggler all his life right up to the finish?'' The words are those of Carl Sandburg in praise of Abraham Lincoln. The same praise could and should be said of our sister, the late Rep. Julia Carson (D–Ind.), who has passed beyond the sound of our voices into the sunset of her temporal life and into a dawn of history.

Where did she come from? Same place as Lincoln—Kentucky. And like him, she was born both to physical poverty and spiritual wealth, and moved to Indiana.

Another similarity: Julia also had an ''angel mother,'' Velma Porter, who put a lot of physical, mental and spiritual nutrients into the little flowerpot of her only child.

Fast-forward to a month after my first and improbable election to Congress. I was told by mutual friends that at the Chrysler UAW office, I could find a remarkable woman to join me as a co-worker in my Washington Congressional office. Remarkable? Understatement. Thus began my 47-year friendship and, eventually virtual sibling-ship with the already honorable Julia Carson, one of the most intelligent, ethical, industrious and compassionate people I have ever known.

Check out her first Congressional brainstorm. It started a national trend. Why make constituents in need of Congressional assistance with bureaucratic problems travel all the way to D.C. to get it? Why not take that part of the office to them? So we adopted her suggestion and did out ''case work'' in Indianapolis with Julia at the helm. It set an example that has been followed by other Congressional offices all over the country ever since. OK, there was one other factor. She had two little kids she preferred to rear in Indianapolis, doing well by her kids by doing good for her country.

Later, my refusal to bring home a particularly pernicious piece of political pork earned me a severe gerrymander that, together with the Nixon landslide, ejected me from Congress. Nothing is all bad; the beneficiary of the gerrymander was my much-admired friend, Bill Hudnut (R). That was the year I had to talk Julia into running for the state House of Representatives. She thought it would be disloyal to our friendship because it would take her away from my campaign, which was a campaign of futility that year.

She was elected to the state House, where she served with distinction and, in time, she became a state Senator, again gaining friends and admirers on both sides of the aisle.

Still later, she became the Center Township trustee and produced real ''welfare reform,'' not with ignorant histrionic speeches and braggadocio, but with hard, quiet and meticulous work. It was reform that broke no poor child's heart, nor sent such a child to bed hungry. She not only ferreted out welfare cheats, but also sued them and got the money back for the taxpayers. Her reform wiped out a long-standing multimillion-dollar debt, moving the then-Marion County Republican auditor to say, ''She wrestled the monster to the ground.''

Julia was unique in that she was the only human being ever to be named Woman of the Year by The Indianapolis Star on two different occasions.

It was common parlance to say, ''Congresswoman Carson's people,'' a reference to poor black constituents. Rubbish. The 7th district is about 70 percent nonblack and ''her people'' were all the people of the 7th, regardless of physical or economic description. Millionaires can be treated unjustly by the federal government just as middle- and low-income citizens can. And wherever there was injustice, this Lincoln-like lady was there to redress it. Her political philosophy was a plank from the Sermon on the Mount: ''Blessed are they who thirst for justice.''

There's another one: ''Blessed are the peacemakers.'' She cast our vote against the conspicuously unconstitutional resolution that gave the Cheney gang a fig leaf to order our innocent military to the fraudulent and internationally illegal blood-soaked blunder in Iraq.

Julia called me just before she cast that vote and said that, in view of the dishonesty, panic and jingoism of the moment, she expected to lose the next election. ''Courage,'' my mother said, ''is fear that has said its prayers.''

Our Julia, who art in Heaven.

Mrs. JONES of Ohio. I am going to begin with the dean of the Indiana delegation, Representative Dan Burton.

Mr. BURTON of Indiana. Madam Speaker, I thank the gentlewoman for yielding, and I want to thank the Black Caucus for taking this Special Order tonight. JULIA CARSON was a friend of mine and a friend of STEVE BUYER. We traveled back and forth on the plane from Indianapolis to Washington on a regular basis and we got to know each other.

JULIA was a wonderful person, very highly regarded by the people of Indianapolis. In fact, she is the only woman in the history of the city who was recognized as Woman of the Year by the Indianapolis Star twice. That honor came to her by readers of the paper voting for her. That was quite an honor, an honor that has not been bestowed upon any other woman in the city's history.

The thing I really liked about JULIA was that even though she was a Democrat and I was a Republican, we worked together on a lot of issues that were very important to central Indiana and the City of Indianapolis.

I remember one case in particular that dealt with the Children's Museum. I talked to JULIA about it, and she took the bull by the horns and worked very hard to make sure that the problems that we had with the Children's Museum were resolved, and I really admired her for that.

Her predecessor and her buddy, Andy Jacobs, to whom you just referred in that article, really loved her like a sister. Andy served here for, I think, 28 or 30 years, and he is a very dear friend of mine, and Andy has told me on a number of occasions the great contributions that JULIA made to him and his staff when she worked for him before she became a Congresswoman.

She was a State representative. When Andy was defeated in 1972, he urged her to run for the Indiana House of Representatives, and she did. She was elected, and then she was later elected to the Indiana State Senate. Then she ran for the Center Township Trustee's job in Indianapolis and was elected to that.

The thing I talked about yesterday when we were acknowledging JULIA that I didn't know much about until just recently was that when she took over the Center Township Trustee's job, it was in a chaotic situation. And she was able to take care of the needs of the people of Indianapolis that really needed help and at the same time to reduce the budget of the Trustee's office, and that was something that I think all of us, Republican or Democrat, really can admire.

She was a very fine Congresswoman. She was a very fine person. She always had a smile for everybody, and I really appreciated knowing her. She shall be missed. I think that she is probably in heaven looking down on us right now.

JULIA, you did a good job.

Mrs. JONES of Ohio. Madam Speaker, I now yield to my colleague and good friend, the Chair of the Congressional Black Caucus, Congresswoman KILPATRICK. And I had an opportunity to visit with Congresswoman CARSON a couple of weeks before her passing. It was a wonderful chance. I yield to our Chair of the Congressional Black Caucus, Carolyn CHEEKS KILPATRICK.

□ 1845

Ms. KILPATRICK. Madam Speaker, Members of the House of Representatives, and people across this great Nation of ours, we have lost a jewel in JULIA CARSON.

I met the Congresswoman some 30 years ago, and she from the legislature in Indiana and I from the legislature in Michigan served 18 years together in those legislative bodies, and then came here together in 1997 to begin our tenure in the United States House of Representatives, she from Indiana, me from Michigan.

We both got assigned to the Financial Services Committee our first term,

she from Indiana and I from Michigan. And together, during this 10 years of journey, we have worked together in this House of Representatives. Courageous, bold, smart, intelligent, compassionate. All those things that you want in a public servant, JULIA CARSON was that.

To the people of Indianapolis, the State of Indiana, you have lost a jewel. And all that we ask in this body of 435 of the most powerful people in the world, as well as the 100 most powerful people in the Senate, is that you send us another JULIA CARSON: intelligent, bold, compassionate, a coordinator, one who speaks for the people that she represents.

Ms. CARSON and I have had many battles and many struggles together. As was mentioned earlier by our chairperson of our Ethics Committee who is handling this Special Order tonight, she and I were in Indiana in her room with her 2 weeks ago. She looked beautiful. Her skin was radiant. Her heart was strong. And she said to us, thank you. Thank you to us as her sisters, and thank you to the people of Indiana who have been with her for over 30 years.

It is important that we come together tonight as members of the Congressional Black Caucus as well as members of the Indiana caucus, because we know she lives. We know she is in these walls and looking upon us now. What are you doing, girl? What are you all talking about? Thank you, JULIA. We love you, my sister.

And as we continue in our journey today, let's take a little bit of Congresswoman JULIA CARSON with us, dedicated, compassionate, take no prisoners, speak for the least of these. Thank you, my sister. And may you rest in peace.

Mrs. JONES of Ohio. At this time, I yield to Representative PETER VISCLOSKY, who is the dean of the Democrat delegation of Indiana.

Mr. VISCLOSKY. I thank the gentlewoman for yielding, my good friend from Ohio, to honor JULIA CARSON and her life of work to the people she represented in her district, to the people of Indiana, and this country.

Yesterday on this floor, I talked about the light that JULIA cast upon all of us, whether it was the twinkle in her eye or her burning desire to make the world a better place. This evening, I would like to talk about the strength of her character.

JULIA, when she was a young child, had a stuttering problem; but it was corrected and she was not deterred. As a 12-year-old, her mother, who scrubbed floors and took care of families and didn't get paid if she was sick, became ill; and at some point, the money had run out. JULIA went to the trustee's office to seek help, and, ultimately, cornmeal and lard were pushed across the counter to her.

When JULIA was 4 years old, for the only time in her life, she met her father. Her father promised that he was going to be a constant figure in her life. He gave her $5, and he was never seen again. Her mother remarried to someone who used to beat her. And often her mother could not come to her school events because he was someplace taking care of someone else's children. And she certainly, being a product of that time and that place, was subject to racism.

In an article she wrote in March of 1996, when she was running for Congress, entitled ''My Neighbor as Myself,'' she related one of those instances. And I think it really summed up JULIA, who could be very tough but also have a general touch. She wrote:

''Another more amusing experience with racial stereotyping occurred when I worked with Congressman Andy Jacobs. One particular woman called our office quite often to complain about a wide variety of problems. I tried to be patient with her.

''I never realized that my many conversations with this woman had all occurred on the telephone until one day when she called, quite agitated, to inform me that a horrible thing had happened: a black family had moved in next door to her.

''It took me a minute to overcome my surprise, as she simply assumed that this competent public servant had to be white. However, after thinking about a wide assortment of possible responses, I simply replied, 'It is okay, honey. Just give it a chance. I have black families living all over my neighborhood, and it has turned out all right.''' And you could just see JULIA saying that.

In the end, many people would be embittered by experiences like that, but JULIA was not. And as Andy Jacobs, her very dear friend, wrote: From the physical pain of material poverty and the mindless cruel persecution of racism, JULIA CARSON made her choice, a choice of hard work, compassion, and a pleasing sense of humor. And heaven smiled.

And I know heaven is smiling on JULIA tonight.

Mrs. JONES of Ohio. At this time, I yield to the Chair of the Financial Services Committee, BARNEY FRANK, who is the Chair of the committee that JULIA served upon.

Mr. FRANK of Massachusetts. I thank my friend from Ohio and the other friends who have gathered to, really, mourn our own loss.

I served on the Financial Services Committee with JULIA CARSON. And let's be honest, there are Members of this body who, if you get to see them coming before they see you, you may not have a long conversation. But I sought JULIA's company. She was a dedicated fighter for social justice, but she was also a delightful woman.

She had that kind of air she put on of, ''Oh, poor me.'' I feel sorry for anybody who fell for it. She had a brilliant mind, a wonderful sense of strategy, and, as I said, she put all that at the service of caring for poor people. As a member of the Financial Services Committee, she was a constant unyielding advocate for fairness in our society.

And I do also want to note, a number of people have mentioned my former colleague, many of us served with him, Andy Jacobs. Andy was the Congressman from that district. He retired. And rarely has any politician fought as hard for another politician as Andy Jacobs did to elect JULIA CARSON. And to the minds of many, JULIA wasn't a natural fit. People thought that she was not conservative enough for the district, not, let's be honest, white enough for the district. And race continues to be the besetting problem of America. We have made some progress in it. We haven't solved it.

Andy Jacobs' dedication to helping to elect JULIA, and, obviously, she got there on her own, But Andy's helping run interference as JULIA carried that ball really was one of the great acts of statesmanship, and then JULIA made the most of the opportunity.

I had the pleasure of going out to her district a couple of times because there was this sense on the part of some that a woman like JULIA CARSON, with her background and her set of values, couldn't possibly represent Indianapolis. Somehow they thought that something had gone wrong. But the people knew better, and the people stood by her. And they stood by her because she was, as I said, as staunch a fighter for making this the kind of America we all want to live in as I ever saw.

I miss her a great deal. I miss coming into the committee and seeing her pretending to look kind or angry and sad, with a twinkle in her eye ready for that comment that was going to put everything in perspective. JULIA CARSON was a wonderful Member of this body. And the dignity with which she bore her last months of pain troubled all of us, but it was a fitting example of the extraordinary quality of a great woman.

I thank the gentlewoman from Ohio and others for giving us this chance to express our appreciation for having had the benefit of her colleagueship for a while.

Mrs. JONES of Ohio. I yield time now to Mr. BUYER, a member of the Indiana delegation.

Mr. BUYER. I thank the gentlelady for yielding.

I have to agree with my friend and colleague, BARNEY FRANK. We watched someone of great strength suffer from the cruelness of cancer. And it was really hard to watch JULIA.

This is an individual that I spent more time in the airport with than ever here in Congress. And those of us who fly back and forth, we know what that is like. For 11 years in the Indianapolis airport is really where I spent most of my time with JULIA CARSON. She and I shared a subcommittee leadership on the Veterans' Affairs Committee, but that doesn't even come close to the times in the Indianapolis airport.

I would rather remember the lady that I first met. JULIA CARSON is an individual that, no, this is a lady that wore a big hat, with a witty personality, with a great smile, and a big heart.

And I also pity the individual that fell for any of her, oh, shucky darns wit, I just don't understand; can you help explain it to me? Because you lost if you believed any of that.

She suckered me in pretty good when it came to the support of the Midfield terminal with the Indianapolis airport. She had just got on the Transportation Committee. She understood the need for infrastructure for a city like Indianapolis and, gee, she wanted some of my help. And before I realized it, I am carrying the water heater, getting the letter, getting the support from all of the Indiana delegation, and said, oh, it would be okay if you go down and talk to the FAA. I mean, she was steering me the whole time. But I didn't mind. It was for the betterment of Indianapolis and Indiana. But don't let anybody fool you who was really controlling the strings here. It was JULIA.

And what a great lady. A great lady, because this Hoosier treated kindness like grain. She understood that, if she sows it, kindness will only increase. And I think she used that in her life. She used a kindness to go after her political enemies. She used that big smile and kindness to achieve great things. And it was also an enduring quality about her. And that is what I want to remember JULIA most by.

I have to end with this, because she loved her Indianapolis Colts. When it came to the redistricting in Indiana, and we all know what redistricting is like: sometimes maps and the lines can go down the alleyways and sidewalks almost. But she made sure that her district, that etched in and it took the headquarters of the Indianapolis Colts and the training facility because she wanted her boys, as she told me. I said, JULIA, I have got most of this territory all surrounded, and you went deep down the road and etched out and took them out. And she smiled and she said, Those are my boys. And she loved her Indianapolis Colts, and I am glad that she got to see the Colts have that Super Bowl on her watch, because it only made her smile even that much greater and that much bigger. And that is the JULIA CARSON that I remember and loved.

Mrs. JONES of Ohio. I want to comment as well that I want to remember JULIA CARSON because she was a fantastic dresser. She was always immaculately dressed, all kinds of wonderful outfits. And I always think about how great she used to look as she came on the floor.

At this time, I yield time to my colleague and good friend from the great State of North Carolina, a former Chair of the Congressional Black Caucus, MEL WATT.

Mr. WATT. Let me, first of all, thank the gentlelady for convening this Special Order in memory of our dear friend and colleague, JULIA CARSON.

If you didn't know JULIA CARSON, you probably would think she was a study in contradictions. That is kind of always the way I felt about her. She was this person that, from the very beginning when she came to Congress, which was the first time I met her, appeared to be a very fragile person. You would see her on the floor and she didn't appear to be well; and yet you would go on a trip to South Africa, and there she would be out among the children meeting with them and undertaking the rigors of an international trip that you knew was an imposition physically on the most physically fit Member of Congress.

□ 1900

You would see her and talk to her and her voice would be so mild and gentle, and yet when she undertook an issue, it was just like a metamorphosis because she was so articulate and passionate about that issue. And you would see her and she would look at you sternly and make a quip, and you would walk away thinking it was kind of a straightforward statement. And then all of a sudden it would dawn on you she had zinged you without you even being aware of a subtle point that she had made.

There were these contradictions there that I loved about JULIA CARSON. Once you got to know her, sometimes she would game you, as BARNEY FRANK has indicated. She would appear unsophisticated politically, and then all of a sudden she would pull one of the most important political maneuvers, like the tribute to Rosa Parks that took such delicate balancing to pull the elements together. This was a woman, a lady of contradictions, apparent contradictions, yet once you got to know JULIA CARSON, you knew there was one person there who was just steady as a rock. She was solid. We loved her and we express our sincere condolences to her family.

With that I know there are many who wish to speak, so I yield back.

Mrs. JONES of Ohio. I yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentlewoman for calling this Special Order, and I am very humbled to be able to stand on behalf of the people of eastern Indiana and express my deepest sympathies to the family and colleagues of my friend, the late JULIA CARSON.

The Bible tells us to mourn with those who mourn and to grieve with those who grieve. Tonight on the floor of Congress, we gather to do just that. To mourn with the many tens of thousands of grateful constituents who are remembering JULIA CARSON this week and who owe a debt of gratitude to her for 30 years of service to the people of Indianapolis that they know in their hearts they will never be able to repay.

I grieve the passing of JULIA CARSON for a variety of reasons. First, for her service. She will be remembered as a pioneering leader in the State of Indiana. As the first woman and the first African American elected to Congress from Indianapolis, she will be long remembered in Indiana public life.

I will remember her throughout my own years in politics in trying to get into politics, seeming to see her contribute first as a State legislator, then as a legendary Center Township Trustee in Indianapolis, and later elected to the United States Congress. She was, and I say with affection, a fierce political competitor and succeeded at everything she tried to do, in politics and public service.

The gentle demeanor that we are remembering tonight belied a freight train of effectiveness that was JULIA CARSON. And I experienced that effectiveness, usually on the losing side of an argument. But what I would always find in JULIA CARSON is, while she was a fierce advocate here on the floor of the Congress for what she understood to be the needs of her district and the obligations of the law and of justice, that walking back to our offices after the fact, I would never fail to be moved by her gentleness and her kindness and her decency, which leads me to the other piece of JULIA that I will always treasure, and that was her profound Christian faith.

I must tell you as a cheerful conservative Republican elected to Congress having observed her career from afar, I would have told anyone in Indiana that the last person I expected to be friends with in Congress was JULIA CARSON. She was tough. She was effective. She was liberal. But when I arrived in Congress as a new freshman, she reached out to me, and she reached out to me on the basis of our shared Christian faith. And it was on that foundation that we built a friendship.

And we, on occasion, found ways to work together. Working with her to pass legislation authored by another colleague in the Chamber today, the Second Chance Act, it would be JULIA CARSON that would appeal to this House conservative about the needs of breaking the cycle of recidivism and crime that beset so many families in the underserved community, but it would be her heart on that matter that would reach me with the wisdom of the Second Chance Act. And part of her legacy here today will be the success that we have seen that legislation experience this year and, I trust, in the future.

Every time I would ask her in her infirmity in the last year and a half how she was doing, I don't know how she would answer the rest of the Members here, Madam Speaker, but whenever I would quietly say, ''JULIA, really, how are you doing?'' she would smile in that infirmity and say, ''I am blessed by the best.'' No complaints, no grumbling. ''Blessed by the best'' will be her legacy in my heart. To know that as I have the privilege of serving here, whatever the condition in which I serve, I will understand He who placed me here.

I think of that great verse. I don't know what the pastor will say at Eastern Star Saturday. My wife Karen and I will be there, as I know most of this Chamber would wish to be there at her funeral. I don't know what the pastor of that great church will say, but when I think of JULIA CARSON, I think of that mandate that we are called to do justice, love kindness, and to walk humbly with our God.

The JULIA CARSON I remember tonight and will always remember throughout my years in public service did justice as she understood it. She loved kindness even to those with whom she differed, and every day she was here, she walked humbly in the service of the people of Indiana. For that, we, as a State and as a Nation, will be eternally grateful.

Mrs. JONES of Ohio. At this time it gives me pleasure to yield to my colleague and good friend from California, BARBARA LEE.

Ms. LEE. I thank the gentlelady for yielding and for calling this Special Order to recognize and honor the extraordinary life of our dear friend and colleague JULIA MAY CARSON.

First, I would like to offer my deepest condolences to her family and her constituents of Indiana's Seventh Congressional District, to her friends and to her staff here in Washington, DC, and in Indiana. For over 35 years, Congresswoman CARSON championed the rights of the underprivileged, the underrepresented and the overlooked. We came to depend on her determined leadership and commitment throughout her tenure in Congress. So a true voice for the voiceless was taken from us on December 15.

We shared many conversations about our common interests. We frequently talked about the fact that we both shared the same astrological sign. We are both Cancers. JULIA's birthday was July 8. Mine is July 16. JULIA CARSON was fiercely loyal and patriotic, and that supposedly is a typical characteristic of Cancers. She exemplified those values, though, in many, many ways. Her loyalty and her patriotism was what undergirded and served as the foundation for her career in public service.

In coming to the House floor to vote, I would pass by her office. Oftentimes, I would walk with JULIA. We would share many conversations. But even to this day I noticed, and I would like for you to look at the plaque outside her door, she has the pictures of at least 45 of Indiana's fallen men and women who have served this country. She kept their pictures in her office. She loved the troops. She loved her district and our young men and women.

She was a woman of courage. Congresswoman CARSON was an adamant opponent of the Iraq war, and we talked about this a lot, even though it could pose political risks, but she let her conscience be her guide.

I witnessed her passion for justice when I served with her on the Housing Subcommittee with Congresswoman WATERS, her passion for the homelessness and seeking housing for homeless public recipients. What a woman.

Very recently, even with her debilitating illness, several months ago she came to me and asked me to help her. We were putting this together, to put together another visit to South Africa. She wanted to lead a codel. And of course her health would not allow for this exhausting trip, but I will always remember up until a couple of months ago her optimism and determination to go back to South Africa. She wouldn't take ''no'' for an answer.

We are going to miss Congresswoman CARSON tremendously. I am reminded of the scriptures, Timothy 4, Chapter 7: I have fought the good fight. I have finished the race, and I have remained faithful.

Madam Speaker, Congresswoman JULIA CARSON fought hard. She fought hard for peace and justice all of her life, and she completed her work on this Earth, but it is up to us to pick up that baton and to move it forward in her memory.

And she remained faithful. She remained faithful to the end to her family, her friends, her constituents, her country, and most importantly to her God. May her soul rest in peace.

Mrs. JONES of Ohio. Madam Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman from Ohio for yielding, and I am pleased to join with my colleagues as we pay tribute to Representative JULIA CARSON.

JULIA and I were elected at the same time and soon discovered that we knew many of the same people because a large number of individuals from the town where I grew up migrated to Indianapolis and became very much involved in the affairs of the city.

We also discovered that JULIA and my cousin were good friends because they were the longest serving African Americans elected in Indiana. They both had been trustees for a long time, JULIA in Indianapolis and Dozier Allen in Gary.

But JULIA and I worked together on something called responsible fatherhood legislation that we had been working with Senator EVAN BAYH from Indiana and Senator BARACK OBAMA from Illinois. We introduced that legislation and actually planned to give it a real push in 2008. If we are able to really move it, I would like to see us actually name it the JULIA CARSON Responsible Fatherhood Act.

□ 1915

And so it's been a pleasure working with JULIA.

She actually would drive. Well, she wouldn't always drive herself, but sometimes she would, from Indianapolis to Chicago. We had a hearing at the Federal Reserve Bank, and I get there downtown Chicago, there's JULIA in her van, coming to testify. And all of us knew that she'd been ill. All of us knew the difficulty that she had. And I said, JULIA, how did you get here? She said, Ain't nothing but a little sport.

And so JULIA, we're going to miss you. You were a brave soul, had a great heart. JULIA is a legend in Indianapolis. I mean, those of us who know her here, we know her in a sense. But in Indianapolis, she's an absolute legend.

Mrs. JONES of Ohio. Carol and I will remember that JULIA kept saying to us, look out for Andre. She loved her son and daughter, but she loved that grandson, Andre Carson.

It gives me great pleasure at this time to yield time to JOE DONNELLY, a member of the Indiana delegation.

Mr. DONNELLY. It is interesting you mention Andre, because I was at JULIA's house just about a week or two ago where they had a vigil in Indianapolis while JULIA was so sick, and Andre was outside. And the amazing thing was it was a spontaneous vigil that had started approximately 3 in the afternoon on a Friday. And in a matter of just a few hours, we all congregated at her house at approximately 6:30. And so I headed on over there, and it was spectacular, to say the least. There were police cars everywhere, and what they were trying to do was control the huge crowd that had come to JULIA's house to testify for her and to pray for her and to show her how much they loved her.

And at that time, JULIA was so ill that she was not able to come outside the house. But she had friends and relatives come out and say JULIA isn't able to come out and speak for herself, but she told us to tell you how much she loved you. And the best part of the crowd was that it wasn't the captains of industry. It wasn't all the famous politicians over the years from Indiana. It was the regular, everyday folks who came out to show her how much they appreciated her hard work over the years; that every time they needed a champion, JULIA CARSON was there for them. And when you needed a friend, and JULIA CARSON stood up for you, you had no stronger champion.

I remember, I'm from the South Bend area, and I called to JULIA in a very, very tough congressional race that nobody thought could be won and said, could you come up and help me? And she said, Son, I'll be on my way. And when she came up, the crowds came out. And I remember we have a railway system there that's critical to our infrastructure. And JULIA was able to get so much of the funding for it. And she wanted to take a ride. And the press was out there, and she was still ill at that time. And the train was supposed to leave at 8 in the morning. And about five of 8, no JULIA, about 8, still no JULIA. Her chief of staff is standing there very, very nervously, and he said, she'll be here very soon. And the conductor said, well, we have to go. And I turned to the conductor and I said, my guess is you'd be better off waiting.

And about 8:15, JULIA came, and it was like the queen of Indiana had arrived and everybody cheering and saying hello. And she leaned over to me with a big smile and said, I love trains and I'm looking forward to going for this ride. And it was that spirit of warmth and enjoyment.

I followed her one time at an event where everybody had 5 minutes to speak. And I followed JULIA Carson. And telling JULIA CARSON she had 5 minutes to speak was like waving a red flag in front of a bull. So JULIA spoke for 41 minutes. And then she looked over at me and said, Sorry about that. And the gentleman in charge of the event looked at me and said, Your 5 minutes is now 1½ minutes. And I got up, and the only thing I could say is, How do you follow someone who has spoken so eloquently and said so much?

We will miss her in an extraordinary way. She had a wonderful staff, people truly devoted to her. But more than anything, she was devoted to her beloved city of Indianapolis, and they repaid that love to her with their care and affection and devotion.

And one other thing, politically, I don't think she ever lost a race. Can you imagine that? Time after time after time, they underestimated Ms. CARSON, and Ms. CARSON always came out on top.

It was an extraordinary privilege to know her and, at the end, to see the dignity of her suffering. I know they said of Pope John Paul II, they said, some of his finest moments was the dignity he showed in the suffering he went through. And we all saw it here at the House of Representatives, how hard she tried, how hard she struggled because she wanted to keep working hard for her beloved city. And it may well have been her most dignified, her most powerful moments were the struggles she went through at the end.

So to JULIA, we love you. We miss you, and I look forward to seeing you on Friday.

Mrs. JONES of Ohio. At this time I'd like to yield to the majority leader, Steny Hoyer of Maryland.

Mr. HOYER. I thank the gentlelady for yielding. I met Andy Jacobs in the Young Democrats, many, many years ago. I drove Andy Jacobs to a speaking engagement at the Young Democrats at a restaurant not too far from the Baltimore Washington International Airport. A few years later I was elected to Congress, and Andy Jacobs was a Member of the Congress of the United States, a member of the Ways and Means Committee, an extraordinary Member of this House. And there came a time shortly thereafter when Andy decided to retire. And there were a number of people who expressed an interest in running for this seat. Andy came to me and he said JULIA CARSON's going to win this race. You be for JULIA CARSON.

Our beloved colleague, JOE DONNELLY has just said, she never lost a race.

Now, I didn't know JULIA CARSON. And there were some pretty active people, men and women, in that race; and we had met a couple of them. They were pretty impressive. I had not met JULIA CARSON. But Andy Jacobs, her predecessor, a Congressman for some 25 years, at least, said to me, JULIA CARSON's going to win this race. And sure enough, JULIA CARSON won the race. And those of us who served in this body had the privilege of getting to know JULIA CARSON, getting to know her as a friend, getting to know her as a colleague, getting to know her as a leader in her community.

I went to Indianapolis. I see my friend, my very, very close and dear friend Baron Hill here. Baron and I have been in Indianapolis a number of times, and I did a number of fund-raisers in Indianapolis for and with JULIA. And then in the last campaign I went out to Indianapolis to be with JULIA and we were at a senior citizens center, and it was the essence of JULIA CARSON. JULIA CARSON, who was sort of one of the most, ''acerbic'' is not the right word, I've been searching for the right word, but JULIA could be very direct. And there was no fooling around. You knew where JULIA stood and you knew what she was thinking. She didn't have time for just jiving. She knew what she wanted to say, she knew what she wanted to do and she told you.

And I went to the senior center, and I spoke on her behalf. But so many people were speaking on her behalf. It was thought to be a tough campaign. She won better than she was expected to win. But you got the essence of JULIA CARSON as you went around and talked to those seniors who had been active in the community for many, many years, as JULIA had been, who worked herself up to be a Member of Congress, but she was not appointed by anybody.

The community loved JULIA CARSON. And when I say the community, the community writ large, not the African American community, the white community, this community or that. The community, writ large, loved JULIA CARSON because she was honest, she was direct, she cared and she worked hard for her people. JULIA CARSON was an asset to her district, to Indianapolis, to Indiana, to this institution, the House of Representatives, and to our country.

JULIA CARSON is now back home in Indiana. We'll miss her. But this body was better for her service. And I thank the gentlelady for giving me this brief time to pay honor to a great woman and a great American.

Mrs. JONES of Ohio. At this time I'd like to yield time to my colleague and good friend from California, DIANE WATSON.

Ms. WATSON. I'd like to thank STEPHANIE TUBBS JONES for providing this opportunity for us to remember someone that I considered a dear friend before I came to the House. I met JULIA in the 70s, and we bonded together because we were active in the National Conference of State Legislators, the Black Caucus. We were the two women in the Senate. And once you meet JULIA, you never forget her. She had that kind of impact on you.

And I remember her sitting up in the back with her head hanging very low. And she looked up and she saw, you know, I'd say, how are you feeling JULIA, and she'd say, oh, great. Well, you knew she wasn't feeling great.

But she said, you know, I want to go on a codel. So I'm taking my own codel because no one here will take me with them. That was JULIA.

And then I remember going out and she was standing against one of the pillars outside and hardly able to stand. I said, well, JULIA, let me stand with you. She said, no, I'm holding on. My staff is coming after me. She was the can-do-it person. And regardless how bad the time was, she never let you know.

She was the second one that went out with dignity and class and grace. And I knew that the time would not be long, because I called her office and I talked to her chief of staff; and when he said he was sitting at her bedside, I knew then that she wouldn't be back.

And I saw JULIA, like all of you did, as a leader, a crusader, a humanist. She understood racism and oppression, but she was never deterred by it. It only made her more of a leader, more of a crusader and more humanistic.

As a former Congressman, Andy Jacobs relates in JULIA's official biography, and I quote the Congressman: ''The only thing some people learn from oppression is hatred and revenge. Others learn compassion and empathy. From the physical pain of material poverty and the mindlessly cruel persecution of knee jerk racism, JULIA CARSON made her choice to be hard work, compassion and an engulfing sense of humor.'' It is therefore fitting that in 1996, JULIA CARSON took on the task of seeking the Congressional Gold Medal for another pioneer in the struggle for human rights, Rosa Parks.

□ 1930

It took nearly 3 years, but JULIA did not go and she did not falter. In June of 1999, President Clinton signed into law Congresswoman JULIA CARSON's bill to authorize the Congressional Gold Medal for Rosa Parks, and we all came to be part of that experience.

JULIA CARSON, who could rightfully take her place in the company of Rosa Parks, was a woman of firsts. She was one of the first women of color to run for countywide office and then Statewide office. She was the first African American to represent Indianapolis in the United States Congress.

So I salute this incredible life of service that JULIA gave to her city, her State and her country. She is a testament to a person who overcame many odds, who persevered and left a legacy on which others may proudly build.

Rest well, JULIA. We know you're here, but we'll still miss you. God bless.

Mrs. JONES of Ohio. Madam Speaker, it gives me great pleasure at this

time to yield time to the Speaker of the House, the gentlelady from California, NANCY PELOSI.

Ms. PELOSI. Madam Speaker, I thank very much my colleague and thank you for calling us together so that we can express our sympathy to the family of JULIA CARSON, to her constituents whom she loved and worked so hard for, and to our colleagues from Indiana; Mr. VISCLOSKY, Mr. HILL and Mr. DONNELLY and Mr. ELLSWORTH, who are here, this great distinguished delegation from Indiana with the crown jewel, JULIA CARSON, as one of the senior members of the delegation.

Thank you so much. I know you are among those who were the last, certainly from Congress, to visit with Congresswoman CARSON and conveyed back to us her usual good cheer and dignity and demeanor, and that is how she was.

And so that it's very sad to convey to her grandson Andre CARSON on behalf of all of the Members of the House of Representatives the deep sadness that we have over their suffering.

Members have talked about her in Congress and the kind of person that she was, and I remember visiting her on a number of occasions in Indianapolis, and what was a joy to behold was the esteem in which she was held by all of the people there, whether we were walking down the street or talking to police officers there. Wherever it was we went to events that she had, relating to health care, relating to the issues that concerned America's working families, people just worshipped JULIA CARSON. I never saw anything like it. I never saw anything like it.

She came to Congress, as has been mentioned, after decades of distinguished service to the State of Indiana, and Members have talked about her, the positions that she has held. During her time in the House, she was a very powerful advocate for the people of Indianapolis and for working families across the Nation.

As the Indianapolis Star editorial board wrote, ''The city's history-making congresswoman never forgot her roots.''

I was listening as Members talked about the role that she had played most recently, the congresswoman from California talking about the role she played in getting the House to vote for a Congressional Gold Medal for Rosa Parks.

I talked about how it was to watch JULIA in Indianapolis and just how people responded to her as she was walking down the street, and I now talk about how it was the day that she got this idea and started the ball rolling on this and then the day that Rosa Parks came to the Congress. It was a thrilling, historic day for all of us, the bond between the two of them, the reverence in which we all held Rosa Parks, and the appreciation that she had for the work that JULIA CARSON had done to make that day possible, not only for Rosa Parks but for the country. She's a star. JULIA was a star.

It's a fitting cause for her, as JULIA and Rosa Parks shared a quiet determination, a fierce sense of purpose and a total commitment to an ideal of equality which is our Nation's heritage and our Nation's hope.

Sadly, as we all know, in recent months, JULIA CARSON faced illness, but she did so with her characteristic courage and dignity. When she was here, she was here, and when she wasn't here, she was directing us from home. You were very fortunate, and I'm not usually jealous, but I'm jealous of the fact that you had an opportunity to see her. We had all hoped, of course, that we would see her once again here on the floor of the House.

I know that we're reassured that JULIA is now at peace. This lovely, lovely woman, with an incredible sense of humor, she didn't miss anything that was going on on the floor. She would sit there quietly and then make the most incisive and insightful comments about the proceedings.

We're all sad to lose her as a congresswoman, of course, for our country. We're deeply saddened to lose her as a friend, and I hope it is a comfort to Andre CARSON and to her family and to her constituents that so many people throughout our country, and certainly in this Congress, share their grief and are praying for them at this sad time.

I thank again my colleague for affording us the opportunity to express our admiration for this great lady, JULIA CARSON.

Mrs. JONES of Ohio. Madam Speaker, it gives me great pleasure at this time to yield time to another colleague from California, the gentlelady, MAXINE WATERS.

Ms. WATERS. Madam Speaker, I'd like to thank the congresswoman from Ohio for initiating this memorial moment in the Congress of the United States for JULIA CARSON. This is a very special and important time because we're here this evening to talk about a woman that we truly loved and a woman who gave so much in public service to her country. I know that her family's saddened by her loss because it is a great loss.

She has been referred to this evening as a jewel, as the queen, and I came to understand this quite some time ago.

I've known JULIA for many years, long before I came to Congress and long before she came to Congress. I served in the State legislature of California, and she was a State legislator also, and like Diane Watson and others, we all worked with the Conference of State Legislators and the Conference of Black State Legislators. And so she knew legislators from all over the country.

And after I came here, I kept in contact with JULIA, and when she ran for office, she called me and she told me that she wanted me to help her. I thought she wanted me to raise some money or maybe come someplace to do something. And after talking with her for a few minutes, she made it very clear she wanted me to get Muhammad Ali to come to help her out. She didn't want me. She wanted Muhammad Ali, and so she said, Well, you know him, don't you? And I said, Yes, I do. She said, Well, if I could get Muhammad Ali here, then that would seal the deal. That's exactly what I need.

And of course, I asked him and he went to campaign with her, and he often asked after that how she was doing. And his award-winning photographer, Mr. Howard Binghan, would oftentimes ask me how she was doing, what she was doing so he could report to Muhammad Ali how his candidate that he had helped to win that election was doing in the Congress of the United States of America.

Well, let me just say, she was doing wonderfully well legislatively. Some people have referred to not only the fact that she was responsible for the recognition that Rosa Parks got getting the gold medal, but she was working on some tremendous legislation. And as I stand here before you this evening as the Chair of that Subcommittee on Housing and Community Opportunity, her legislation is really before us. It is known as HEARTH. It means the Homeless Emergency Assistance and Rapid Transition to Housing Act. And, you know, we've got to pass that legislation, and we've got to pass it, that is, H.R. 840, in the way that she wants it passed.

She was expanding the definition of homelessness. She was expanding it so that more people, many of whom who were not considered homeless, we should be qualifying for homeless assistance, that did not get it, could now be drawn in with this legislation.

So, it is important for all of us to give support to the work that she was involved in because, again, this very special woman really did not suffer fools. I mean, I know that you've heard the story about the time she stepped on the elevator and another Member of Congress, who had not been here maybe quite as long as JULIA, said to JULIA when she stepped on the elevator, This elevator is for Members of Congress. And of course, she got the look that only JULIA can give, and told somebody, Close the door, because that's how she handled someone who did not have the sense to be gracious enough to whomever was getting on the elevator, but certainly she should have known who her colleagues were getting on the elevator.

But there are many stories you will hear about JULIA CARSON, because not only was she brilliant, she had this sense of humor and she had this wit that was just undeniable. And of all of the people who spoke at Rosa Parks' funeral, and I was at the funeral in Washington, D.C., when JULIA spoke, she was the most engaging, the most memorable, the one that really caught the attention of everyone at that service.

JULIA CARSON was truly a queen, and the descriptions that you've heard

about her this evening and how she was loved, you have to go to Indianapolis to understand it. You have to hear people talk about her to really get a sense of the queen, and they referred to her as ''the queen.''

And so I'm very proud to be a part of this discussion, remembering her this evening, and she will rest in peace, having done her part, having given all that any human being could give.

Mrs. JONES of Ohio. Madam Speaker, in her remarks during Rosa Parks' memorial service, Representative CARSON said, I'm a sister from the hood and we know how to get things done. Well, from one sister to another sister I want to say, Thank you, JULIA CARSON, for your legacy of service, for your laughter and your love. I promise I will continue to work to get things done right here in the House, and I will remember all the things that you told me in the last conversations that we had.

But JULIA, I'm still trying to figure out who it was you said was going to invite me to dinner. I asked you that day I came to see you, and you still wouldn't tell me. So whoever it is, come on and invite me to dinner, because JULIA CARSON would want it to happen.

I thank all of my colleagues for joining me in this wonderful hour of celebration for my colleague and good friend, JULIA CARSON.

Mrs. CHRISTENSEN. Madam Speaker, I rise today to remember my friend and colleague, the Honorable JULIA CARSON.

Everyone loved JULIA CARSON, especially we in the Congressional Black Caucus and the constituents in her district.

I had an opportunity to travel back to her district with her for a weekend health event, and I witnessed the deep affection and admiration that the people of Indianapolis—of all ages, races and walks of life—had for her.

JULIA had a way of telling a story that would have you rolling with laughter, even on serious or unpleasant things.

This was especially true when talking about herself. She was a regular at our health braintrust and she spoke of herself as being the ''poster child'' for health care and health disparities. Although at its core, it was no laughing matter, she had everyone in the audience cracking up.

As sick as JULIA might have been, she never let it diminish her dedicated representation of her district and other work that needed to be done in Washington. And she walked to votes even in the last days that she was here.

It was my honor—as it was for many Members—to assist her as she came to the Floor or a meeting. Years ago, I took it upon myself to call her office and suggest that her staff get her one of those motorized scooter-like vehicles that other Members have used off and on. Who told me to do that? I got a gentle tongue lashing from my friend.

There were many proud moments when we stood with JULIA and applauded her achievements, but none more so than the day that Rosa Parks was awarded the Congressional Medal of Honor upon the passage of the Resolution she sponsored.

JULIA did not even begin to get the kind of attention for her health that she needed until she was elected to Congress and by then her heart disease, mistaken for indigestion, was far gone.

Today, this humble lady who had health care deferred because of her race and gender, has flags at all Congressional buildings flying at half mast in her honor.

The Nation has lost a champion, the House has lost a valued and effective Member, minorities and the poor have lost an ardent advocate and I have lost a beloved colleague and friend.

She has gone to her eternal reward, and may she rest in peace.

Mr. CONYERS. Madam Speaker, I rise tonight to honor the life and career of the Honorable Congresswoman, JULIA CARSON, who was elected to Congress in 1996, and who died on December 15, 2007. Representative CARSON was a most respected friend and colleague of mine and also many other Members of Congress. The Honorable JULIA CARSON was from the Seventh Congressional District in Indiana. Ms. CARSON was a dedicated servant and worked tirelessly for the people of this country and in particular she strongly advocated on behalf of those who were living in poverty or were homeless.

The list of legislative efforts that Representative CARSON helped to create in this and in previous congressional terms spanned many issues and these legislative efforts are now a permanent part of the history of this Congress and of this county. In particular Representative CARSON gave her support for primary, secondary and college, education; and she believed in ''single payer'' health care, for all citizens of this country; she also believed in equal justice for all and lived a life that reflected some of these fundamental values that were the hallmark of her service to this country.

Congresswoman JULIA CARSON honored the legacy of the late Mrs. Rosa Louise McCauley Parks when she introduced legislation which came to fruition on March 4, 1999, when Mrs. Parks was awarded the Congressional Gold Medal. Representative CARSON also introduced legislation to have a commemorative postage stamp issued on behalf of Mrs. Rosa Louise McCauley Parks.

Representative JULIA CARSON will always be remembered by her successful political career and will continue to make her indelible mark in history as a natural politician who steadily strengthened ties between people and who never forgot the community which she loved and served. People who worked with her in Congress will not forget the great sense of humor she would bring to them, when we all were experiencing long and arduous efforts that were often expended in the process of making daily decisions on significant and lengthy congressional efforts.

Her continued efforts in Congress addressed the issues and supported legislation in the following areas: She was a staunch advocate for equal rights for men and women. She demonstrated a sincere concern and fought for the relief and support for the victims of Hurricane Katrina. In her wisdom, she advocated for many medical advances in veterans health care. Her continued outspoken support for the Second Chance Act of 2007, was well recognized. She spoke out for the support of the National Literacy act of 2007. In times of great suffering she stood tall and commemorated the Rutgers University women's basketball team for their vigor in remaining proud of the skill that the team had achieved. She introduced a bill for establishing the celebrated National Historically Black Colleges and Universities Week. She honored the life of Arva Johnson, a pioneer in the United States Capitol Police Department, when she became the first African American female to wear the police badge. She supported the Horse Slaughter Protection Act. She recognized the 20 years of service of the world famous, Dr. James Hadley Billington, as Librarian of Congress. Congresswoman CARSON supported the Paul Wellstone Mental Health and Addiction Equity Act of 2007. She worked for the benefit of all persons to have access to affordable drugs and medicines by supporting the Pharmaceutical Market Access and Drug Safety Act. In the era of DNA research Representative CARSON supported the Stem Cell enhancement Act of 2007. These are a few of the noble congressional legislative actions that she heartily supported and advocated for in the history of her tenure in the Congress of the United States. We appreciate her great efforts in the progress that has been made from all of her humanitarian efforts.

I extend my greatest sympathy to the family of Congresswoman JULIA CARSON on the loss of their mother, a warm and wonderful humanitarian who was an exceptional public figure and who has graciously served this country with her grace, wisdom and gentility.

We will all miss her.

Mr. HILL. Madam Speaker, Indiana lost one of its finest this weekend. I was deeply saddened to learn of JULIA CARSON's passing and my thoughts and prayers are with her family during this difficult time.

I have known JULIA for more than 20 years, and am a better person for it. She was a dear friend and her spirit will unarguably live on not only in the halls of Congress, but in the neighborhoods of Indianapolis where she touched the lives of so many. She had an enormous presence in Indianapolis and was always striving to help those in need.

JULIA embodied the true meaning of a ''liberal''—a woman who was always fighting for those without a voice. She championed civil rights and walked alongside Martin Luther King, Jr., fighting for equality. She was to me, and so many others, a true hero.

JULIA was not only proud to be a Member of Congress and represent the fine people of Indianapolis, but she was constantly amazed at how far she had come. As many know, JULIA had a difficult upbringing but only used those experiences to strengthen and shape her political views. JULIA constantly reminded us all how fortunate we are to be Members of Congress.

I will miss JULIA very much. But, her spirit will live on for decades to come. She was a truly faithful person and took much comfort in that. I am so honored to have known JULIA for so many years and to have worked so closely with her. She leaves behind a legacy of charity, service and an unwavering commitment to helping others.

□ 1945

HONORING THE LIFE OF JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Madam Speaker, let me join and thank my colleague and classmate STEPHANIE TUBBS JONES for organizing this tribute to JULIA CARSON.

President Kennedy was fond of saying that communities reveal an awful lot about themselves in the memorials they create and in the people that they honor. This evening my colleagues, led by STEPHANIE TUBBS JONES and the Speaker of the House, the majority leader, and the delegation from Indiana have stood tall in honoring the memory of JULIA CARSON.

Memory is what distinguishes us from every other creature on the face of the Earth. It's humbling listening to the reminiscing that took place this evening.

We have lost a number of people since I have been in Congress, wonderful, remarkable, dedicated citizens to this great country of ours. JULIA brought that warmth and dignity to this office. It was an honor to be with her and know her.

I often think at services such as this it's a shame she wasn't here to hear us all talk about her, and for those of us in this body who didn't get the opportunity to say good-bye, it's principally the ability to reminisce and the memories that so many of our colleagues have brought to this floor that make her come to life and live on. Not in memorials, though I am sure memorials will be created. Not in buildings named, because I'm sure that those things will follow. But those memorials that mean the most are those that are principally carried in our hearts. And listening to BARON and STEVE talk earlier and all the Members who spoke here, what a rich, rich life. What a wonderful person.

She has gone home to Indiana, but she will never leave us. God bless JULIA. God bless this country. I thank everyone here for the memorial that you created this evening.

JOY DIVINE: REMEMBERING THE LATE HON. JULIA CARSON

The SPEAKER pro tempore (Ms. BALDWIN). Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Madam Speaker, there have been many characterizations and descriptions of our departed colleague JULIA CARSON. But let me just tell you how I view JULIA CARSON. For me JULIA CARSON epitomized the Christian value of joy divine. Joy divine, the Bible calls it an unspeakable joy. It's the kind of joy that the Congress, the world can't give you and the world can't take it away. This joy is based on your faith. JULIA CARSON had, in my estimation, joy divine because she understood the meaning of the Scripture when it states: ''All things work together for good to those who love the Lord and those who are called according to His purpose.''

What is His purpose, one might ask? Well, He makes it pretty clear in the Old Testament. He says: ''What do I require of thee, o man, but to love mercy, do justly, and walk humbly with your God?''

Madam Speaker, JULIA CARSON had the joy divine. She epitomized it. She represented it. Because she knew that everything that we do, the things that we bind on Earth, we bind in heaven. And she was really not working for just her constituents, but she was, indeed, working for eternal life. And now she is at a better place in the heavens with her God.

And I can just, in my own imagination, imagine JULIA when she got to heaven how the angels erupted in applause because of the work that she had done while she lived here on Earth.

Madam Speaker, JULIA CARSON did something that was almost impossible in the few years that she served in this great House. She made this great House even greater because of her commitment, her dedication, her resolve, her leadership, her insight, her compassion, those things that make one great.

Madam Speaker, I know that in heaven when she approached the throne of grace, when she approached the company of her Lord and Savior, I can hear the words spoken to her right now in the old way. I can hear her Lord and her master telling her: JULIA, servant, servant, well done. You did an extraordinary job under ordinary conditions. Servant, well done.

HONORING THE LATE HON. JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL. Madam Speaker, I think it's a true testament to how people felt about JULIA CARSON based upon the fact that the hour has expired allotting time for her colleagues to get up here to say a few kind words about her and now we are in overtime and the hour is over and we still have colleagues on the House floor who want to take the time to eulogize our friend and colleague JULIA CARSON.

I have known JULIA for over 25 years. In this business of politics, you have friends and then you have allies. I can, with a great deal of assurance, tell my colleagues here that JULIA was a friend, not just an ally. She was that, too. But I came from a small town in southern Indiana to the Indiana legislature back in 1982; and one of the first people I ever met was from the great city, the large city of Indianapolis, Indiana: JULIA CARSON. And I will be honest with you from the rural community and the kind of sheltered atmosphere of southern Indiana and small-town Indiana, I, quite frankly, didn't know how to take JULIA CARSON when I first met her. She was something else. But as the years went by and I had the time to serve with JULIA both in the legislature and now here in Congress, I had come to love JULIA CARSON, a true friend. Not just a colleague, but a true friend.

We have all heard the stories about how she was revered in Indianapolis, Indiana. The Indianapolis Star was the newspaper there, and there was some friction between JULIA and the Indianapolis Star because the Indianapolis Star was basically a Republican-leaning newspaper. So there were moments between the Indianapolis Star and JULIA. But just recently the headline in the Indianapolis Star, and it was a large headline, said: ''A Warrior for Indianapolis.'' And that's exactly what she was.

She was one of a kind. She had grace and she had flair, and she had a great sense of humor. She was a Hoosier to the core. She was the epitome of everything that Indiana is. And we will miss her.

I come to this microphone today with mixed emotions: sadness by the loss of JULIA, but also a sense of good memories that we have about JULIA CARSON. The one thread that all of us have been speaking about and I will speak about it too was JULIA was a champion, a champion for the downtrodden and the poor. She made no excuses that she was a liberal in the good sense of the word. She wanted to make life better for all Americans, not just a select few.

JULIA, we'll miss you.

I do believe that when she walked into the pearly white gates, as Congressman RUSH said, that the angels applauded.

Well done, JULIA. We love you and we miss you.

CELEBRATING THE LIFE OF THE LATE HON. JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Love conquers all. And I rise today, Madam Speaker, to join the celebration, for although we mourn, we celebrate the life of JULIA CARSON, and celebrate we must.

I'm delighted to have listened to my colleagues in the Special Order led by Congresswoman STEPHANIE TUBBS JONES and to hear my friends and colleagues from Indiana. But for a moment I offer my sympathy to those of JULIA CARSON's district, to the good people of Indianapolis, to the good people of Indiana, and, yes, to the American people. For JULIA CARSON truly represented and will be remembered as an American hero.

I believe that JULIA would not mind our recalling for our colleagues why she was so keenly committed to those who could not speak for themselves and could not help themselves. For JULIA CARSON's history, by its very nature, directed her into the fight for

those who, like herself, grew up with very little, but yet could look to this great country and actually believe that they could achieve their dreams. For JULIA was born to a teenage mother, and that, from the time that she was born in the late 1930s, going into the early 1940s and World War II, was a struggle and an unsurmountable task in and of itself. They had to struggle together. JULIA CARSON herself raised two children as a divorcee. So first of all, she understood what a single parent, a mother with two children, had to overcome to make sure that those children saw in themselves and saw in her a future.

It's likely that she was already destined for public service, and so by finding Andy Jacobs, her finding him and as well his finding her, it was a match made in heaven. But she stopped along the wayside to give support and comfort to workers, United Auto Workers, and understood what it meant, a hard day's work for a good day's pay. So early on she was on the battlefield, and her time in respective legislative bodies only spoke to her continued desire to serve.

But I like something about JULIA and I like something about the description of her. And my good friend and colleague from Indiana, Congressman HILL, just said a liberal in Indianapolis. I ask the question how you can walk around in Indiana and call yourself liberal and be victorious. That was JULIA. Love conquers all, the love that she had for her people, but the love that they had for her stood largely to embrace her and surround her with armor against those who would try to do her political harm.

I was fascinated in listening to the Congressmen speak of the vigil. Can you imagine people just gathering out of pain and joy, the pain of possibly losing Congresswoman CARSON, but also the joy of having her. Going to her house. Now, we are the people's House. So Members of Congress are exposed and people know all about them. But can you imagine people feeling so comfortable that they would come to her block and just stand in silence or singing or praying or testifying just to say, We want to be near her. What a moving expression that must have been, and I'm so sorry that I missed it. But it was a showing of their own appreciation for her resilience, her astuteness, and her ability to be underestimated.

I went to Indianapolis, and it was that first year, her reelection after her first term, Madam Speaker, and yes, they were all out. And it was the year of the targets, it was the year of impeachment here in this body, and people were not feeling good, they were feeling ugly. And the right wing, as it could be defined, and I don't say it in a partisan way, but the guys who were trying to get her in reelection came up with all kinds of things. Soft on crime, they accused her of, a number of issues that they thought would get her unelected.

Well, I'll tell you, she had a good history with the people of Indianapolis. In fact, she even had some conservatives supporting her. Why? Because she was truthful in her belief for social services. But she also came up with the idea that welfare recipients should work for their benefits. I'm sure it was crafted around giving them hope and giving them goals and giving them the ability to believe that they could succeed, but she was applauded for that. And she was called a person who wrestled a problem to the ground.

Madam Speaker, I close by simply saying that we have lost a warrior, a soldier on the battlefield, but tonight we celebrate her life. My sympathy to her family. And thank you, JULIA, for being our friend and my friend.

□ 2000

PAYING TRIBUTE TO HONORABLE JULIA CARSON

The SPEAKER pro tempore (Ms. BALDWIN). Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, I join my colleagues this evening in honoring the life of our dear friend, JULIA CARSON. And I want to say a word in keeping with the comments by our colleague, our leader, JOHN LARSON from Connecticut, who spoke of the sacredness, really, of this hour that we can spend with one another to lift up the life of a colleague such as JULIA CARSON.

JULIA entered Congress the same year as my husband, Walter, in 1996. And the reason I honor this time together is that I have a poignant memory. My husband died suddenly, and my daughter and I found ourselves on the floor here listening to his colleagues, now my colleagues, speak of his life. And it was a tradition that I wasn't familiar with, but it touched me in a way that I know blesses the memory of those who have gone, who have served with us. And in this case, for someone as special as JULIA CARSON, it is a moment that this place becomes what it should be, and is treasured by me.

Now, this Member of Congress became my colleague, JULIA CARSON, when I joined Congress in 1998. One of the first events I attended as a Member was an event held by domestic violence advocates, a coalition, a national coalition of the kind of grassroots organizations that I know JULIA CARSON represented in Indianapolis, but I also, in my previous life as a nurse in my community, knew very well at the community level. I wasn't as experienced when I came to Congress as JULIA was when she did. And I listened to her. We were kind of lined up, Members of Congress, to address this coalition on domestic violence. I could speak from my professional experience. But she spoke before me. And she dazzled that crowd because she spoke as a survivor and as someone who had experienced every single thing that they themselves were here in this Capitol to represent on behalf of our community. She had broken the barriers that have entrapped so many Americans of color, Americans who are women. She knew how to fight for herself, for her children as a single mother, as a community member who knew what ceilings were like with class, gender, ethnicity, race, and she could relate that to people.

On that day that I listened to JULIA as a brand new Member, I knew that I was in a very special crowd if it included someone like JULIA CARSON. She knew how to take her experiences and become such a role model and strong advocate; civil rights, victims of domestic violence. She improved the lives of countless individuals, and she did so by fixing things that were broken, but also by inspiring people to not give up.

And then, as we moved along and as has been referenced, her style and her elegance, I used to love to see her here and to see her bearing and to see her fitting the word ''queen'' in every sense of that word. What a delight to serve with JULIA CARSON. And we saw her, as her illness began to show its effects on her body, never on her spirit, never on her soul, never once dampened her smile, her dazzling beautiful smile. And when I would see her moving slowly, and then with assistance, even in a wheelchair, to come and move about, she never gave an indication of weakness or that she was down. She was always up and inspiring me when I would see her. I wanted to spend time with her.

This was a tough time for her. She never let us know it. She kept fighting for all of the issues she cared so much about. And now I want to just close by saying, you know, JULIA, we owe you to continue the legacy that you began.

I think of JULIA's suffering with lung cancer. And I think about the fact that three of her colleagues, four, now, of our colleagues this year have died of cancer from this place. And JULIA, I make a pledge to you and to the others that we need to not rest. We need to follow your courage and your endurance and not rest until we do something about this dreaded disease, and do something here, and do it in your memory, and do some other things in your memory as well. And so, I make that pledge to you, JULIA.

And I also join my colleagues in remembering you forever for your wit, your elegance, your perseverance, and of course always, JULIA, your smile. I will always love you and treasure your memory.

PAYING TRIBUTE TO HON. JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to remember a spiritual warrior for her constituents and those who could not fight for themselves, JULIA CARSON. She served 6 years in Congress, but her experience here far outweighed her time here. She always remembered where she was from and how she got there.

This was a tough lady. She spent her initial swearing in in the hospital recovering from double bypass surgery. She was a wonderful personal friend who I enjoyed spending time with.

I have my JULIA CARSON story. I remember a few years ago, we were going to an event at the Army-Navy Golf Club. We were going to a program, a celebration, and our driver got lost and made a wrong turn. We ended up on the seventh fairway. We were going up the hill, and the car couldn't go up and it couldn't go back. I panicked, but she was calm during this entire process. We eventually were rescued by the Capitol Hill Police. I will never forget that experience.

JULIA CARSON was a classy lady, very classy. And I loved the way she dressed and the way she held herself. Like Paul in 2 Timothy 4:7, she fought the good fight and she finished the course. But most important, she kept the faith. JULIA, I will miss you.

PAYING TRIBUTE TO HON. JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Madam Speaker, tonight, as I stand to pay respects and honor to JULIA CARSON, I don't believe I will take 5 minutes, but I will say that as a freshman Member, I really can't recall some of the great stories that I've heard my friends tell about the great JULIA CARSON, but I do have my own recollections of her.

The most important thing I want to share with people tonight is that, when I just started here and I started getting on my feet and figuring out where the bathrooms were and how to get around the House a little bit, JULIA CARSON took a moment, JULIA CARSON had time, JULIA CARSON and I sat in the chairs of this gallery and talked. And she told me about the struggles that she had to overcome. And she also told me, when I had my first bill, ''if you don't put me on that bill right now, boy, I don't know what I'm going to do.'' And I had to laugh, because the spirit that she had was remarkable, given some of the health problems she was facing.

The health problems she was facing may have been a burden, but they were not too great for her to show kindness to a new freshman here in Congress. And so I will always remember JULIA CARSON, very fond memories of her, and I will always be inspired by the great example that she gave us.

Mr. SHAYS. Will the gentleman yield?

Mr. ELLISON. Certainly.

Mr. SHAYS. I have a request for 5 minutes, so I can't use the time twice.

But I just want to say, on behalf of the Republican side of the aisle, I don't know a Member who didn't appreciate JULIA CARSON'S fine work, who didn't enjoy talking with her. She always had a great response to anything you had to say. She was insightful, she was right to the point, and had a tremendous sense of humor. And it's hard to think that she will not be with us because she was a presence here. JULIA often sat on this side of the aisle, so a lot of us got to know her, not just speaking on the floor, but talking with her personally, and to love her a great deal.

I thank the gentleman for giving me this opportunity.

Mr. ELLISON. It is certainly my honor. Many, many people loved JULIA CARSON, and I want to thank the Congressman from Connecticut for sharing his sentiments as well.

CODEL TO TURKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Earlier this month, I returned from a congressional delegation trip to Turkey, Jordan, Iraq and Kuwait. As part of that trip, my staff member, a retired colonel in the Army, Dr. Nick Palarino, and I spent 4 days in Turkey traveling to the southeastern region, not a place Members of Congress usually go.

I would like to share my impressions with my colleagues about our strong ally in the Middle East, Turkey.

My staff and I pursued a different itinerary than other codels in Turkey. First, we visited Ankara and met with the U.S. Ambassador and the Country Team, members of Parliament, and Turkish military officials to get a better understanding of the problems faced by Turkey battling the terrorist group, the Kurdistan Worker's Party, known as the PKK.

We then traveled to Diyarbakur, a city and region where a large number of Turkish citizens of Kurdish descent reside, and met with the governor of the province and local officials, many of them Kurds.

We also traveled to Habur Gate on the border with Iraq and met with the commercial truck drivers who wait in line for days, often more than a week, trying to get their products into Iraq. We even had the opportunity to cross the bridge into Iraq and meet with U.S. forces, members of the 571st Movement Control Team and Logistical Task Force Bravo, who escort commercial trucks into Iraq.

□ 2015

Before going to Istanbul, we met with the chamber of commerce representatives and stopped overnight in Mardin and met with the governor and local Kurdish officials. In Istanbul we met with businessmen doing work in Iraq and a very precious family that lost their son, brother to their PKK terrorists. This is just one of thousands and thousands of families that have lost loved ones to the PKK.

After traveling the length of Turkey from Istanbul to the border with Iraq and meeting with U.S. and Turkish officials, these are my general impressions:

Turkey is a Muslim country with an active and vibrant democracy. Although the southeastern region of Turkey has a great deal of unemployment, the majority of the Turkish economy is growing, and people feel optimistic about their future. The current leadership and ruling party in Turkey, the AKP, is attempting to address the unemployment issue by helping to develop the southeast region. There is enormous potential for development throughout Turkey.

Turkey wants to be a partner in the European Union, and we should continue to strongly advocate its admittance. Turkey has stood shoulder to shoulder with the United States and the North Atlantic Treaty Organization in the long Cold War against Communism, and we should never forget that. Turkey is now standing with us shoulder to shoulder in our fight in the global war against terrorism. It is providing bases for U.S. military forces, troops and nonmilitary assistance in the global war on terrorism.

We are right in standing shoulder to shoulder with Turkey in its fight against the PKK. The PKK is a terrorist organization that has killed thousands of Turkish soldiers and citizens. The PKK is an enemy of Turkey. It is an enemy of the United States, and it is an enemy of Iraq. We should do all we can to assist Turkey eliminate this threat from its border and continue the strong alliance our countries have built over the years, and I think we are.

The recent action Turkey has taken to confront the PKK in Iraq is long in coming and more than justified. Turkey has been patient and understanding in the challenges the Iraqi Government faces and has acted in a strong, but measured, way. It is essential that we appreciate the friendship we have with this great country and do everything we can to strengthen this relationship.

PAYING TRIBUTE TO YOUTH WITH A MISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, earlier this month, Youth With a Mission, or YWAM, and the rest of the Nation grieved over the tragic Colorado shootings that resulted in the death and injuries of YWAM's staff and former students. Our deepest sympathy goes out

to the family and friends affected by this terrible tragedy. I rise to honor and encourage YWAM as an international ministry whose largest North American training facility is located in my district at Garden Valley, Texas, where I visited numerous times.

YWAM trains Christians of many denominations and ages with their express purpose being to know God and to make Him known in obedience to the Great Commission which says they are to go into all the world and preach the good news to all creation. YWAM currently operates in more than 1,000 locations in over 149 countries with a staff of nearly 16,000. I have also had the opportunity on multiple occasions to meet different YWAM staff and students when they have visited this beautiful city here in Washington, D.C., before embarking on short-term mission trips.

When I speak with these individuals, I am overwhelmed by their passion for their ministry and sincere love for people they have yet to meet. They truly strive to follow the example of Christ by offering themselves as selfless, humble, and loving servants.

The Declaration of Independence says that we are endowed by a Creator with certain inalienable rights. Our Creator endowed this Nation with these individuals who have now been killed. Each of these dear people were a gift to this Earth and to this country. And although we are very disappointed that we did not get to keep those gifts as long as we wished at their Earthly location, we can still thank God for each day that we had them.

We are not promised life without hardships. To the contrary, those who take up their individual crosses, especially for the sake of Christ, can expect to face greater trials and persecution. For this Nation's entire history, until now, Christians have had a place, a country, where they were not persecuted. But that unique time is changing. In this day of political correctness, often Christians are the only groups it is acceptable to verbally assault. The Apostle Paul reminds us that we should consider everything a loss, including our own lives, compared to the surpassing greatness of knowing Christ. Therefore, Mr. Speaker, I want to encourage the staff and students at YWAM during this difficult time.

C.S. Lewis had kept a journal of sorts after his precious wife, Joy, had died. In one entry, he said, in effect, that he missed her so much he wanted her back. But he realized how very selfish that was. His wife was in heaven. She was in paradise. It was not in her interest to return to a land of tears from a land where there is no sorrow. Lewis went on to say that we are told Stephen was the first martyr. But he said, as I think about it, didn't Lazarus get the far rawer deal? If you review the Bible looking for quotes from Lazarus after he was brought back from the dead, you will not find them. I will bet he was not a happy camper.

In any event, we can look forward to the day when we can be reunited with these friends from YWAM. But may those at YWAM find strength and encouragement from friends, from each other, and from these words: may God bless those at YWAM and may He continue to shine His face upon them.

PAYING TRIBUTE TO THE HONORABLE JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I want to take just a moment to pay tribute to our friend, our colleague, our beloved sister, JULIA CARSON. It is my belief that when the Almighty created this beautiful, charming woman, he threw away the mold.

Long before JULIA CARSON came here, she was a fighter, someone who stood up and spoke out for those that have been left out and left behind. She was a champion of ordinary people, a champion for justice, for civil rights, for human dignity. I want to thank her friend and our former colleague, Andy Jacob, whom I served with, for doing all he could do to have JULIA CARSON come to this place.

In this body, we are like a family, one family. We become like sisters and brothers. And I feel with the loss and passing of JULIA CARSON, we have lost a member of our family. The chain, the circle, has been broken.

I will never forget when I was much younger, on April, 4, 1968, almost 40 years ago, I was in her district. She was not representing the district then, but we were in the City of Indianapolis with Robert Kennedy when he announced to the crowd that Dr. Martin Luther King, Jr., had been assassinated. When JULIA came here, she always said to me, JOHN, you must come back to Indianapolis and visit. And I have gone back there.

We will miss her. She has gone on to a better place. And we will never, ever see her likeness again.

FOURTH QUARTERLY REPORT OF THE FRESHMEN REPUBLICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. MCCARTHY) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCARTHY of California. Mr. Speaker, tonight for the American public, we are going to hold the fourth quarterly report of the newly elected freshmen Republicans giving an update of what has gone on here on the floor. As the Sun begins to set on our first year in Congress, this is really the appropriate time to talk about it. This week we are bringing up what they call the omnibus bill, because we have 13 appropriation bills, but this Congress has only been able to get one through.

So what are they doing this week, at the last hour, at the last moments because Christmas is coming and people want to go home? They are throwing them all into one great big ball and putting them before the American people.

Now, when we flew back here, like we do each and every week, when I got here on Monday, I quickly found 34.4 pounds of pieces of paper of the omnibus bill and was told that in a few short hours we were going to go to a vote.

Well, tonight we want to tell the American people that we want to bring a little transparency to their government. We want to show them exactly what is going on here. And I will tell you this, the American people should know, Mr. Speaker, that this government is not small. This government is $2.9 trillion. Now, just think for a moment. That is just the amount of money that this government spends. Now, if you compare that to economies, not just to what other countries spend in their government, but to their economy and what they produce, what their governments spend it on, ours would be the third largest in the world. Of course, the United States economy is the largest, and there would be Japan, but we would be larger than Germany. We would be larger than China with all the money they spend in government and all that they produce as you look at the different products that they make. We would be larger than the United Kingdom, larger than France, and larger than Italy.

When you think about that and you think about the deficit that we have, isn't there a place that we can find the fraud, the waste and the abuse and eliminate it? And that is what these 13 freshmen who have been newly elected a year ago have been about to do.

Now, tonight, we are going to start out talking with different members of the freshman class. It is an honor to look at the different members that we have. Our first individual that we have comes from the State of Minnesota, the Sixth District, Representative MICHELE BACHMANN from Stillwater, Minnesota.

I would like to yield time to MICHELE.

Mrs. BACHMANN. Thank you, Representative. What an honor to be able to be here. What an illustrious class we have, and I appreciate the gentleman from California so much for his fine direction, for his leadership and for our class. He is doing a wonderful and able job. He is telling the story that the American people want to hear, and that is where we are in this particular quarter, what is happening with our finances, because that is what we do, after all, when we come here to the United States Congress. We come here for a very simple purpose. We have to deal with 11 spending bills covering various subjects, and we have to take care of those. We have to make sure that we fully fund the priorities that we believe in and make sure that we

are keeping faith with the American people and doing so in a way that respects their property, their private property.

Because after all, what is it that each one of us has? We have our time. We have our livelihood. And when we go out to work every day, the money that we bring home for our families, the money that we bring home that we hope that some day will buy us a home, put our children through college, maybe have enough to offer us a secure retirement, that is the result of our labor that we take every day.

And where are we at now in this country with the amount of money that the government is consuming out of our paychecks? It seems every year those days go a little bit longer and longer when Congress is consuming more money. That is a real concern for a lot of Americans. I know it is a concern for me. It is a concern for our family and for the people that I represent back in Minnesota's Sixth Congressional District. And I know as I have spoken with our fellow freshmen, and many will follow me up here when I conclude my remarks, they will tell you the same thing.

□ 2030

They are very concerned about how the people back home are going to be able to hold on to the fruits of their labor, the private property that they have been able to amass and accumulate for the benefit of their family.

Well, here's just one topic that I want to take tonight, just one little piece, and spend a very few moments on it, and it's a concept called the alternative minimum tax. Now, this is something that came about in the Tax Code back in 1969. Back in 1969, there was a hue and cry because there were about 155 multimillionaires who didn't pay taxes that year, and rightly so. There were a lot of middle-income Americans, lower-income Americans that were pretty upset about this. They were paying taxes, but they saw that wealthier people, through legitimate loopholes, you might say, or legitimate provisions in the Tax Code, were able to completely escape taxation.

Well, this created, as you can imagine, a hue and cry right here in this body. So the Congress decided to create a bill called the alternative minimum tax. What this would do, essentially, is a person would have to figure their tax once. If they didn't have a tax liability, under the alternative minimum tax they figured their tax a second time, and whichever tax liability was higher, that is the tax that we get paid. In other words, whichever way that Uncle Sam did better, that would be the final outcome of a person's tax return. So the American citizen never was able to pay the lower amount of tax; they always had to pay the higher amount of tax.

Well, the alternative minimum tax kind of turned into something that you might equate with one of those 1950 science fiction movies called, maybe, ''The Blob that Ate New York City,'' because that is what has happened with the alternative minimum tax. It has become kind of like ''the blob that ate New York City.''

Now, remember back in 1969, 155 Americans were impacted by the alternative minimum tax; in other words, they had to pay a higher tax. That is what that means; 155 Americans. Well, guess what Congress forgot to do? They forgot to index this tax for inflation. So, guess what? Every year more and more Americans had to pay this tax, and more and more Americans were reclassified as being wealthy or rich.

Well, guess what? Last year, 3.5 million Americans had to pay the alternative minimum tax. One hundred fifty-five, 3.5 million. Guess where we are today? As of today, this Congress has done nothing, absolutely nothing to eradicate the alternative minimum tax. You know what will happen? Twenty-three million Americans will be impacted by this measure. That is redefining what rich means in this country.

So, do you know what the new definition of rich will be? It will be a police officer married to a teacher. Now, think of that, a police officer married to a teacher. We don't usually think of people in those income tax categories as being redefined as rich. But now, under the so-called wisdom of this Congress, that is exactly what has happened

Now this is a problem. We cannot allow this higher level of taxation to seep down into the middle class where people are working hard. They aren't rich by any stretch of the imagination. They are just hardworking, decent people, trying to make a go of it; not what this tax was intended to impact. That is something we need to consider. There actually can be a conclusion. Sometimes the curtain needs to come down on ill-advised measures; and if there ever was an ill-advised measure, it's the alternative minimum tax.

I just want to give you a figure here. Historically, over the last 40 years, and we are standing here, it's a beautiful December evening in Washington, D.C., the year 2007. For the last 40 years in this country, the Federal Government has consumed about 18.2 percent of gross domestic product. That is pretty much the money that is created and generated in this country every year, gross domestic product. Well, guess what? The Federal Government has consumed about 18.2 percent.

If this Congress continues to do nothing, and unfortunately, that is a lot of what we have seen this year is a lot of do nothing, if Congress continues to do nothing with the alternative minimum tax, instead of 18.2 percent of all the money that is created in this country, that number will rise to 24 percent. Almost one-fourth of everything that is created, the income that is created in this country will come where, to your pocket? Are you kidding? It will come here to the United States Government. That is not what we want to see happen.

This is kind of a dream come true for politicians that love big government, because they don't have to vote for this tax increase. It's just on automatic overdrive. It's going to continue to grow. Just like I said, ''the blob that ate New York City,'' that is the alternative minimum tax.

That is not what those of us who are standing up here to talk to you about tonight, with fiscal responsibility, that is not what we are about. That is not what we want. What we are after is a clean, straight repeal. We want this ill-advised tax to go away. People think that a tax is here forever, that you will never get rid of it. You never get rid of death, you never get rid of taxes. Well, it is possible to do it. It's possible to do it if we have the will.

I believe collectively the American people would want us to get rid of this ''blob that ate New York City,'' the alternative minimum tax, because why should the government continue to profit from a bad law so that you will have to continue to spend more and more and more of your income. And pretty soon, everybody's going to be redefined as rich, everybody will be, and pay a higher level of taxation. This is absolutely ridiculous. There is no reason why we should continue a law like this, and I fully believe that we need to do something about this bill, and do it soon.

Now, here's one aspect that is being debated even this evening. There are those on the other side of the aisle that think that we have to ''pay'' for this tax. In other words, you need to continue to be taxed more. Here's how they plan to do it. They plan to create a bank account, if you will. And what the other side across the aisle is planning to do, you know what they are going to put in that bank account? They want to put tax increases in that account. They want to have a 1-year tax or 1-year patch, or fix. So instead of 23 million people paying that tax this year, they just want it to be 3.5 million people. Still too many. It's 3.5 million too many people, if you ask me.

But what they want to do is create a bank account and put tax increases in it. And what they are going to do, just ''take it to the bank,'' as they say. The American people are going to be stuck with a bill of $50 billion in tax increases that you're going to have to pay, maybe not next year, but the year after. That bill is going to be stuck to the American taxpayer.

We can do so much better. Do you know that we have more revenues coming in this year into the Treasury than any other time in the history of this country? Revenues are not the problem. We don't need all this additional revenue. What we need is some fiscal discipline, some fiscal responsibility. We need to get our sense about us and realize we just can't be all things to all

people. We set our priorities. We do what you do every day at home in your home and in your business. You just realize you need to spend within your means.

So we need to get right on this. We need to not create any phony bank accounts where we don't put money in, we put IOUs in that you the American public are going to have to pay. We are going to get rid of that.

We want to just do a clean repeal, do away with the alternative minimum tax, be fiscally responsible, be good and kind to the American people. That is a Christmas present that we need to pass and send out to the American people tonight. That Christmas present needs to say that we respect you, we respect your work, we understand how hard you work, we understand that your family means the world to you, your children mean the world to you, your parents mean the world to you, your business could use a little bit more capital investment too. We trust you, and we know that you can put that money to work far better than any of us collectively ever could hope to do. There are essentials that government has to fund, but what we don't need to do is have a blob that eats not only New York City, but the rest of the United States.

So I for one, Representative MCCARTHY, believe with you that we need to do right by the American people, trust their judgment, be sensitive to their family needs, and do away with the alternative minimum tax.

Mr. MCCARTHY of California. I thank the gentlewoman from Minnesota, Mrs. BACHMANN, because she said it right, that this alternative minimum tax is going to hit a lot of Americans. And it is not about a revenue crisis here in Washington, DC.; it is really a spending crisis. We set a new record that more money has come into this Treasury than ever before, but more money is going out.

This Congress has a couple other historical facts with this year. This is the longest a Congress has ever gone without approving 13 appropriation bills. This is a Congress that has not been effective from that date. And I will tell you from the 13 freshman Republicans that got elected all at the same time, we talked about accountability. We talked about changing the way Congress goes about it, that we bring transparency back home. And in that omnibus bill that was before us, those 34 pounds of paper, there were 9,000 earmarks; 9,000 earmarks. Think for one moment. Did the American public get to debate them? Did they get to see them? Did the power of the idea win at the end of the day down here?

And you wonder as you are sitting back at home, Mr. Speaker, with the American people, maybe they don't qualify this year to pay the alternative minimum tax. Will they be affected still? I will tell you, if you are a taxpayer and you get a refund from the IRS and you try to send that in early, get your taxes done early so you can get that money back, and maybe you are going to take your kids to Disneyland, maybe you are going to put a little money a way for a kid's college, or maybe you are going to put money away for yourself for retirement, you know what? You are not going to get it back very soon. The IRS has already said because this Congress has not acted, this majority has not taken it up and solved the problem, because of that, we are going to wait 7 extra weeks. They have to reprogram, even if an action is taken here tomorrow on this floor, and that is the concern I have.

When you think about this budget, $2.9 trillion. People at home say, You are talking trillion, you are talking billion, what does that mean? Let's take it down just one step. It is 1,000 billion for every trillion. Just think for a moment, just $1 billion. It is Christmastime. If someone were to give you $1 billion and you went and said, I am going to spend $1,000 a day. I am going to go on a shopping spree each and every day. How long it will take you to spend $1 billion? 2,740 years. A billion minutes ago the year was 104 A.D. and the Roman Empire was flourishing; yet the Federal Government spent $1 billion in the last 3½ hours. That is what is going on that the American people need to know about.

To continue on, we have some more freshmen here with us tonight. From eastern Tennessee, we have Representative DAVID DAVIS from Johnson City. Let me tell you a little bit about DAVID DAVIS. He sits on the Committee on Education and Labor, Homeland Security and on Small Business, because he has been a small businessman. He knows how to run a business, how to earn money, how to employ individuals and how to grow the economy.

But I will tell you, he is a Representative that never loses sight of where he represents in eastern Tennessee. Just last week he opened up his house to all of his constituents. He welcomed them over for a little time of cheer during the holiday season. And you had about 500 people through your house, and you said at the end of the time it was nice, because you had the hardwood floors and you had it all cleaned up.

But we are very proud of the representation you give and how you reach out to your constituents, and I yield the time to DAVID DAVIS.

Mr. DAVID DAVIS of Tennessee. Thank you, KEVIN. Thank you for your leadership. Thank you for your friendship.

You know, we have been here almost a year now, and as I look at my fellow freshmen, I feel blessed to represent the American people with some of the best people that I know, good people that are willing to come here and work hard and try to get things done for the American people.

I grew up in the mountains of east Tennessee. My dad has got a sixth grade education. I was able to start a business. I was able to succeed. I was able to serve in the Tennessee legislature. It just goes to show that in America, you can do whatever you want to do.

Henry Ford once said, ''If you think you can or if you think you can't, you are right.'' That is common sense. If you go out there and you make things happen and you are willing to work hard, good things will happen for you. Henry Ford knew it. Teachers know it all across America, moms and dads and all across America.

We live in a blessed Nation. As a matter of fact, it even talks about that in the Bible. In Psalms 33:12, it says ''Blessed is the nation whose god is the Lord.'' We are a blessed people, and I feel very blessed to represent the people of northeast Tennessee back in my beloved mountains where common sense reigns, American values reign.

You know, we are in America today and we are in an America where we spend too much money. Ronald Reagan understood this. When Ronald Reagan was President, he once said, ''We don't have a trillion-dollar debt because we don't tax enough. We have a trillion-dollar debt because we spend too much.'' And I can tell you, Ronald Reagan would not have been pleased with this Congress this year because we have certainly, under the majority rule, they tried their best at every turn to find a way, a new way, to tax the American people.

□ 2045

There are moms and dads sitting around the kitchen table all over this great country trying to put a budget together. They are trying to put a budget together to decide how they are going to take care of their kids, how they are going to buy gas for their automobile, how they are going to pay their heating oil bill, how they are going to pay for college for the next generation, how they are going to save for retirement, how they are going to provide for their health care costs that keep increasing day in and day out.

The American people are looking for leadership. And when this new majority took over last year, they promised open, accountable, transparent government that was going to get results for the American people. Well, the results that this Congress has brought about, actually, over the last week or two have started to come back to some common sense. It took them about 50 weeks to get there, the longest in history; but finally they are starting to come back and going to pass some bills that cut their spending by about $20 billion. Thank goodness we had a President that said, I am going to veto if you spend too much. Thank goodness we had a minority party who stood up and said you are not going to spend too much money.

Moms and dads across America can spend their money better than a Congress. Moms and dads know the answer of how to raise their kids better than a

bureaucrat in Washington that has never met those kids.

This majority has failed the American people right up to the last week or so. The majority failed to pass 11 out of 12 appropriation bills.

Funding for this Congress and for this government actually ended back in October, and here we are on the eve of Christmas and we are still waiting to put the final touches on a budget that should have been done back in October. You couldn't do that back home in east Tennessee. You can't do that in any city in America. You have got to use common sense and you have got to pay your bills on time.

MICHELLE talked a moment ago about the majority has failed to protect the taxpayer with the AMT fix. You see, no leadership, no results. And that is basically where we are at. If the AMT is not fixed this week, it will leave 23 million taxpayers owing more money and not bringing their refunds home the way they expect. It will be a tax increase on the middle class. No leadership, no results.

Then, you look at the energy bill that has been talked about all year. Finally passed one this week. It is amazing, you get to the 11th hour of the 11th month and you finally start to pass some of these bills. But an energy bill that basically had everything in it except energy. We had an energy bill that had regulations, we had an energy bill that had taxes, and we had an energy bill that had no energy. No leadership, no results. And we are certainly seeing that today.

Then we had a majority party that has tried their best to do everything they can to make sure that the troops didn't receive the funding that they deserve. I went over to Iraq and spent time with the men and women in uniform, and there are young men and women over there that the American people would be very proud of. They want to be there; they volunteered to be there. They want to come home, but they want to come home in success, not in failure.

We have a majority party that actually had a leadership back in the spring that said: we failed. I can tell you, I can tell my colleagues, we have not failed. America has not failed. Ronald Reagan also used to say when he said tear down that wall, he said they lose, we win. I would hate to be in a situation in this war where we have to look back and say, we lost, they won. And we won't do that if we protect our men and women in uniform. And we can do that. As a matter of fact, there is a bill on the Senate floor tonight to make sure that funding is available for our men and women in uniform across the globe, not just part of the globe, but across the globe. See, if you have no leadership, you have no results.

And then the majority party has talked about health care, probably one of the most pressing issues facing the American family today. We talk about a need to fix health care, but we have not seen it in this Congress. The American people demand the ability to be able to go out and afford and feel reasonably comfortable that their children, themselves, and their moms and dads are going to receive the health care that they need. And there are solutions to those problems, but you have to have leadership to get results. No leadership, no results.

Then the cost of energy. When this majority party took over, it was interesting. if you look back, they said: the Republicans have left us in a lurch. Our cost of energy is skyrocketing. If you will give us the opportunity to lead, we are going to lower the cost of energy. When the Republicans gave up the majority in January, oil was $56 a barrel. Now it is $90 a barrel or thereabouts. $56 to about $90 a barrel. That is going in the wrong direction. Again, no leadership, no results.

The American people want us to come together, work as a team, and work on these issues, health care, energy, funding our troops so we can win, taking care of immigration, building the fence, making sure we have a secure Nation, making sure that we have an education system where our children can feel reasonably sure that they can go out and get the education they need. That is the type of leadership we need. That is the type of leadership that was promised for the most honest and ethical and open Congress ever. I am still waiting.

Thank you for giving me the opportunity to be with you.

Mr. MCCARTHY of California. I thank the gentleman from Tennessee. He has done a tremendous job here, and I appreciate your comments. Because when we all sat on this Chamber's floors and we listened for the first time the pride of having the first woman elected Speaker, her comment and her words were: partnership, not partisanship. And we looked forward to that day that we would sit down, we would debate the ideas, and we would actually change the way that this body works, and no longer would congressional Members just slip something into the bill so it would pass and no other Member was able to see it or debate it. But we soon learned that did not change.

You know, the President of the United States stood in these Chambers and gave the State of the Union speech, and he challenged this Congress to cut their earmarks in half. Now, that would mean there would only be about 6,700 earmarks inside the bill. There were 9,000. We heard the majority side say: we had to put another 230 in from the last time you even were able to look at these just to get Members to vote for it. That is not the way the American people want legislation produced. They want to see it in a committee, they want to see it debated, they want to see the power of the idea actually win.

What are these earmarks about? Well, these earmarks are probably the worst things you have ever seen. We used to have a former chairman of the Ways and Means, Bill Thomas. And when he retired, he took all his papers, it is an historical time, on what he was able to accomplish in his 6 years as chairman and his 28 years in Congress, and he gave it to the junior college in Bakersfield, California. We have a new chairman of Ways and Means, and he had been there only about 6 months, now it is almost a year. Within 1 year, he had already put $2 million into the Health and Human Service appropriation to build a library named after himself, to build a very nice office for himself in the style of a Presidential library of like Bill Clinton or Jimmy Carter. Those two libraries were built with private funds.

But, you know, I take a great deal of pride of the Republican freshmen, because all 13 voted ''no.'' The majority in the majority party all defended him; came down with an amendment to say, let's strip that $2 million, we have a deficit. The college didn't even ask for it. That individual actually came to the floor, defended it, and said he deserved it, he worked here so long. We said, well, you named it after yourself. Should we put something in and name it after ourselves? No, no, you wouldn't deserve it. But that, the Building a Monument to Me? The idea that it is not the taxpayers' money? That is what has gone on. That is what is going wrong here. And that is why tonight we are talking about the transparency. We are talking about what is going on.

Our next speaker tonight comes from the State of Ohio, the Fourth District. And I will tell you, the impact that he has had on this floor in less than a year is tremendous. If we had just taken his amendment on each and every appropriation bill that he would put forward, the American taxpayers would have saved $20 billion. $20 billion. But each and every time, the majority party twisted the arms of each and every one of their Members to make sure that it wouldn't pass. But he did not give up, and he continues to fight that call and be able to move us forward.

So I yield to Representative JIM JORDAN, who is the only freshman Republican who serves on the Committee of Judiciary, Committee on House Oversight and Reform, and the Committee on Small Business. Congressman JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding, Mr. Speaker. I appreciate the chance to address the Chamber tonight and be with my freshmen colleagues who have fought the good fight on spending. We have heard a lot about spending and taxes.

I gave a speech last week back in the Fourth Congressional District in the great town of Findlay, Ohio. And I said at the start of that speech, I said 1 year in Congress has confirmed what I suspected: with the exception of the military, with the exception of our good men and women who wear our uniform, with that exception, the rest of the

Federal Government doesn't do anything well.

And I asked the audience, tell me how the Department of Commerce improves your family's life. Tell me how the Department of Labor improves your small business. Tell me how the Federal Department of Education improves life in our schools. How does it really help our teachers, our school board members? Most importantly, how does it help our children in our schools across this country? And of course the answer was nobody knew. Nobody knew what all this big government does.

In fact, today there was a story in our Columbus, Ohio paper. It is a Cox News Service story written by Marilyn Geewax, and the headline is: ''Federal Finances a Mess.'' And the date line says:

''Washington. The Federal Government finances are in such a disarray that the Nation's budget watchdog said yesterday that he was unable to sign off on the books. Comptroller David Walker said the Treasury Department's annual report wouldn't be acceptable in the private sector.''

In quotes, he said this in his speech at the National Press Club: ''If the Federal Government were a private corporation and the same report came out this morning, our stock would be dropping, and there would be talk about whether the company's management and directors needed a major shakeup.'' That is what our comptroller had to say about the Federal Government.

And yet what did the majority do this first year in Congress? They tried to tie the hands of our troops, that one area of the Federal Government that does a great job. And in the rest of the government, they increased spending, as my colleague from California pointed out, over $20 billion. $20 billions in increased spending for the Federal Government that, we all know, according to the Comptroller, is a mess. And it is important we recognize that.

And I am proud to be associated with these members of the freshmen class who have spent so much time this year trying to get a handle on Federal spending and bring it back into line, because we recognize a few facts, just a few numbers. And my colleague from California and the previous speakers have pointed this out as well. We have a $9 trillion national debt. Each citizen, each American citizen's share of that national debt is $30,200. And here is the real concern: when you have out-of-control spending like this, it inevitably leads to higher taxes. And we have already heard from our good friend from Tennessee who talked about the tax burden currently facing families. We heard from the from Minnesota about the tax burden that the AMT is going to impose on over 20 million Americans.

If we don't get a handle on spending, there is going to be real consequences on this country, and here is why it is so critical. If we want to make sure that we promise to our retirement systems, if we want to make sure we leave our children a debt-free Nation, and if we want to make sure we can compete and win in the international marketplace, then we have to begin to control spending. And that is why, as my colleague from California pointed out, I was proud to work with our class this summer, and we offered a series of amendments that would do just that.

It was interesting, during those debates, when we got up and spoke about why it was important to hold the line on spending and begin to save taxpayers' dollars, begin to allow families to keep more of their money, it was interesting during that debate, the other side said: We can't do that. We have got to increase spending. We have got to increase spending, in some cases two and three and four times the rate of inflation, because if we don't, the world is going to end, the sky is going to fall. Everything terrible is going to happen. And yet, you know what has happened, as has been pointed out already this evening? We didn't pass those spending bills, as the law requires, by September 30.

So since that time, over the past 10 weeks, we have been functioning under what we call a continuing resolution, which is a fancy way of saying we are living on last year's budget, exactly what the amendments we proposed were going to do. We are living on last year's budget. And do you know what? The government is running. The sky hasn't fallen.

And my argument is, if we can do it for 10 weeks, we can probably do it for 10 months, and we can probably do it for a whole year and save my taxpayers, as my friend has pointed out, over $20 billion.

When you think about the size of government, there is a great line that Thomas Jefferson had. He said: When the government fears the people, there is liberty. When the people fear the government, there is tyranny.

Now, with that statement in mind, ask yourself a question. If sometime tomorrow you get a knock at your door and you go and you answer your door, and the gentleman standing there identifies himself and says, Hello. I am Mr. SMITH and I am with the IRS, is your first response, Oh, joy. One of my public servants is here to help me today? Of course not.

We all understand government is too big and we need to reduce it. And the reason we need to reduce it is because we understand one fundamental fact: moms and dads can spend the money better than we can. Moms and dads can do a better job than the bureaucrats in this Federal Government that the headline even says is a mess can do when it comes to spending their money.

Think about that typical family out there. One of the reasons America is the greatest Nation in history is because moms and dads have been willing to sacrifice so that the next generation, so that their kids can have life a little better than they did.

□ 2100

If we don't get a handle on spending, it is going to be tough to continue that great tradition that has helped make America the best. The same comptroller who was cited in this article that is in today's papers, the same comptroller had this statement to say: ''We are failing in our most important stewardship responsibilities. We have a duty to pass on a country better positioned to deal with the challenges of the future than the one we were given.''

That is our challenge. That is what this class is about. We want to make sure that we get a handle on spending so we can do what is right stewardshipwise and pass on to our children and our grandchildren the same great America that we inherited. That is what made America great, and that is what we have to do as we move forward.

It starts by getting a handle on spending so we can keep taxes low and we can compete in this international marketplace.

I thank the gentleman from California. His leadership continues here in the United States Congress, and I am proud to be associated with that in our freshman class.

Mr. MCCARTHY of California. Well, I appreciate my good friend from Ohio. The gentleman brings up a good point. The article the gentleman cited said if the Federal Government was a public business, that our stock would be dropping. Well, if you look at the poll ratings, that is exactly what has taken place.

We have set a new record in this Congress with this new majority with the lowest congressional approval rating ever. This new majority has set a new record of being the least effective; 13 appropriation bills, 1 year to get them done, and only got one through. Twelve have not gone through. So they compiled them all and laid them on the floor. This is the longest any Congress has ever gone. And the only reason that the omnibus bill is going to pass now is a deadline.

The American public does not believe that their government should work based upon deadlines; it should work based upon ideas and accountability. We have been in office about a year now. As that sun begins to set, I have thought about what could improve this House. The House really is the leader of the free world. I have come to the conclusion there are two things this House needs. Number one, we need accountability. Number two, we need adult supervision to get the job done.

I will tell you that is what tonight is about. Our next speaker comes from the Seventh District of Michigan representing Battle Creek, Jackson and Adrian. His name is Representative TIM WALBERG. He serves on the Committees of Agriculture and Education

and Labor. And let me tell you how hard this individual works.

I caught him this morning. He was up working on constituent services. He is now on the floor. There are times he is over in the hospital visiting troops. I told him we were going to be speaking on the floor tonight. He said, Let me see. I am going to be in my office and I am going to put on a teletown hall to my district. He is calling thousands of people in their home, and they are going to question their Congressman.

So when I talk about this place needs accountability, I will tell you that the Seventh District of Michigan is getting that accountability from morning to night, that TIM WALBERG is hard on the job, working fast and making sure that accountability is coming back home.

I yield to my friend from the Seventh District of Michigan, TIM WALBERG.

Mr. WALBERG. Thank you, Congressman MCCARTHY.

Mr. Speaker, I guess I would express my desires to have Mr. MCCARTHY campaign for me next time with those type of words.

And you read them very well, just as I wrote them for you.

It is, indeed, a privilege to be with Members of Congress, in this case 13. We call ourselves the Lucky 13. But we are 13 with ideas, 13 Members who came to Congress, the only freshmen Republicans to come from across the Nation, and every one of us came with conservative principles that said we believe America can do it better. We believe that individual Americans, as we have discussed already, have ideas and abilities that if allowed to be generated and to be creative, they can succeed. We represent them, and what a privilege it is for me personally to represent the good people of the Seventh District of Michigan, a State that is going through very, very difficult times right now because of the lack of leadership, the lack of understanding that when you take more of the resources, more of the liberty away from individual citizens, you frustrate not only the economy which Michigan is suffering through right now, extremely, but you also take away the creative juices that expand the ability and opportunity to do the things that were defined in our Declaration of Independence, promoting life, liberty and the pursuit of happiness or property.

That is something that I believe this freshman class of Republicans want to return to, the American solutions from American people committed to doing the best for themselves, their families, and the future of America's wealth.

I am interested, as you might expect, my friend from California, I am interested in a key issue to Michigan, known as the Motor Capital of the World for many, many years with the Big Three in the auto industry, with transportation on our mind and under our fingernails, hardworking people of Michigan who made the world run on four wheels and sometimes two, a great heritage that we have that pertains to energy and pertains to how we use it.

I appreciate the words of my good friend from Tennessee on the issue of the bill that we just passed today which could be considered the ''no energy'' energy bill. The latest shot, Mr. Speaker, in the Democrat's war on American jobs is this so-called energy bill that was on the floor today, this bill that we have been waiting for quite some time, yet it has no new net energy in it. And there is no way we can tax ourselves to energy independence. Congress can't tax our way to providing a greater supply of energy in America, and we can't just add more government regulations on industry and expect that we will have more energy in the pipeline. It doesn't work that way.

Mr. Speaker, I support American energy solutions, starting with expanding domestic supplies, and, two, lowering costs for U.S. consumers and for U.S. manufacturers, which use one-third of our Nation's energy.

Access to competitively priced energy helps U.S. communities and citizens compete in the global economy and preserves high-paying jobs here and at home.

If enacted, this bill that we passed, this bill will result in higher energy costs, few energy supplies, a weakened domestic energy industry and more job losses for U.S. factory workers, including my factory workers in Michigan. U.S. manufacturers already face a 31.7 percent cost disadvantage when compared to our major trading partners. By increasing the cost of energy, this bill will drive the cost even higher, putting quality American jobs at risk, and I resent that.

Mr. Speaker, I am strongly concerned about the absence of any meaningful provisions to expand domestic energy supplies. I remain committed to proposals that enhance U.S. energy security and production through increased production of all types of energy: improved conservation and efficiency, yes; more research on technology and alternative energy; increased access to domestic sources with continued environmental protections and improved distribution.

I support and have sponsored legislation to foster biodiesel technology. I have cosponsored legislation that would allow us to produce nuclear power. Other countries are doing very well right now with limited waste products that come off of it that can't be used.

I have also supported legislative initiatives that would increase our exploration in Alaska and the Outer Continental Shelf for clean power through natural gas, clean coal technology and other things. And yet today, in this piece of legislation where we had the opportunity, there was no energy.

So let me cut to the chase here and talk about the specifics of what this energyless energy legislation will do. In Michigan, it will kill jobs, as well as other places in the United States. It creates a confusing set of CAFE mandates. I don't call them standards. These are mandates based upon just human reasoning that says let's put at 35 miles per gallon fleetwide average. These mandates have the goal of dictating to our families, farmers, and small business owners what we can and can't drive, what we can use for commerce and industry. Some aspects are controlled by the National Highway Transportation Agency, specifically fuel efficiency mandates, but this could collide with EPA regulations, tail pipe emissions, which could create an unpredictable set of regulatory mandates.

It gives advantages to foreign car companies such as Volkswagen and Kia who don't make trucks, minivans or SUVs. We are not opposed to their cars, but we are not comparing apples to apples in these CAFE mandates.

We can do more to encourage energy conservation by allowing more clean diesel technology in cars and trucks, which the Federal Government has discouraged for decades. New diesel technology is clean and efficient and it is quiet. It has been effective in Europe for a long time, and we need to move it here.

These are issues that I am concerned with not simply because my State has been impacted very negatively by it. It will cost jobs and it will cost futures for my people, for my family, and it is a further intrusion into the freedoms and creativity that American citizens so deserve.

I appreciate the chance to espouse on some of these issues tonight. I know my colleagues have things to say about these issues. But more importantly, the American public needs to speak and we need to say we are interested in American solutions, not just political posturing that does nothing except serve political purposes that ultimately diminish the power and the control and the liberty of our American citizens.

So thanks for this time this evening, and I look forward to communicating further as time is available.

Mr. MCCARTHY of California. I thank the gentleman from the Seventh District of Michigan.

When we came to this floor, I like many of you sat here and dreamt about the day we put people before politics. You watched TV, and you didn't want a red or blue country; you wanted it red, white and blue. When we come to this floor, we put on our American hat, not our Republican, not our Democrat hat. But the one thing, we haven't found the partnership here; we found the partisanship. We found bills that were coming up for political gain, not to be debated on the floor, not to be debated in committee. And I will tell you when you think about that, that is not the way to run this House, and the American people have said so when you saw the poll numbers.

Tonight is about bringing about accountability and talking to those Members who are home in their houses and wondering about what they are going

to be able to do for Christmas and what they are seeing on the floor of this Congress. This new majority has put in the largest tax increase in American history.

You know, the IRS Federal codes have 1.6 million words. That is 380 times the number of words in the U.S. Constitution. When our Founding Fathers said what would it take to run this country, they were able to do it in much fewer words and regulations.

I think tonight as we sit and talk, and we sat and debated on this floor, I look to my good friend from eastern Tennessee to talk a little bit about the earmarks and the abuses that have come forward that the people back in eastern Tennessee would say that is not the way they run their household.

Mr. DAVID DAVIS of Tennessee. If you look at the 9,000 earmarks that are in there, special projects, the one that leaps out to me and leaps out to the people of northeast Tennessee is over a million-dollar hippie museum in New York. That is not the way the people of east Tennessee want to spend their hard-earned money. There are better ways to spend money in Tennessee and across this great land.

As I said earlier, moms and dads are really trying to figure out how they are going to take care of their kids. They don't need Members of Congress or bureaucrats in Washington trying to spend their money on hippie museums in New York. They need to know they can fill up their tank with gas and be able to afford it. Or be able to take the kids out for a meal and be able to afford it. Or be able to afford a month's worth of energy to keep their kids warm. Or be able to buy health care and be able to afford it. Or know that they have a Congress that is going to take care of illegal immigration because they are worried that a country that is not secure is not long to be a country.

Those are the things that the American people are concerned about. They are not concerned about trying to have special pork barrel projects to help a Member of Congress get reelected. They are concerned about making sure that their family is taken care of. That is what we ought to be concerned about. That is what I think the freshmen Republicans came here to do.

I started off tonight by saying I am blessed to be able to stand on the House floor of the United States Congress.

□ 2115

Come from humble beginnings back in the mountains of east Tennessee and be able to come here and represent just some commonsense American values, and that's what the American people want.

Mr. MCCARTHY of California. You make a very good point, and I will tell you, you talk about these earmarks. That just means the majority party goes out and tries to raise more money, raises the taxes. And one of the leaders to stop that, because you see how many taxes you pay and what really comes from the leadership that continues in Ohio, Congressman JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding. You're exactly right. We always hear this line, tax and spend politicians. It's actually the opposite. It's spend and tax. Spending drives the equation. And when Congresses spend and governments spend so much, they do just what our friend from Tennessee described, they take money away from families and spend it on earmarks, spend it on this big government that as we've already figured out tonight is a mess according to Comptroller of the Treasury. So you're exactly right.

And what the Democratic majority has proposed this year in their budget to satisfy all their spending is the repeal of the tax cuts that were put into place in 2001 and 2003, tax cuts that give a child tax credit to children and dependents, great concept for families. Tax cuts that lowered the income tax rates, those are going to go up. The child tax credit is going to go away, the death tax is going to up and the dividend tax is going to go up, in addition to a whole other list of taxes they've also unveiled.

So the reason it's so critical to control spending is because high spending inevitably leads to higher taxes. And when you tax and tax and spend and spend, you take money away from, as our friend from Tennessee has pointed out, the typical family out there, the moms and dad who want to invest.

Think about the typical family that was described by our friend from Tennessee. Typical family, they get up every day, they go to work. They go to church on Sunday. They take their kid to soccer practice, they take the kid to Little League. They're putting money away for college education. All those things, and yet you have a Congress who spends things on like, as you pointed out earlier, Congressman MCCARTHY, a monument to themselves in their district. Think about that. A sitting Member of Congress who uses taxpayer money to name a facility after himself while he is a sitting, while he's in Congress. Unprecedented. And yet that's what we saw with this Congress. And it's all driven because they want to spend and spend and spend. They think they can spend your tax dollars better than you as a family, you as an individual taxpayer can spend it.

So again I appreciate this chance to talk about these things this evening. More importantly, I appreciate the opportunity, as our friend from Tennessee has pointed out, to fight for those things that I think really matter to families and work with my colleagues in our freshman class. And I yield back.

Mr. MCCARTHY of California. Well, I appreciate that, Congressman, because you made a very good point, because that wasn't the only Member that sat there and put an earmark in. We had a bill come through here talking about the Defense, went over to the Senate, came back. We had an individual that was in the leadership of the Democratic Party, all a sudden there was $1 million in there for a golf course in his district. And we asked, well, why did you need to put $1 million in the Defense bill for a golf course there? They said because all they had was tennis courts. They needed golf as well.

Do the American people really believe they need their taxes raised so some Member could put in a golf course and never even be debated in committee, never even have to withstand the ability to have accountability to look at it transparently? I mean, that's the frustration we see.

And I know my good friend from Michigan, Mr. WALBERG, when he sat there and worked on the farm bill, he looked time and time again at those family farms that say when they want to pass on to the next generation, he looked at this new majority, what they did, that they were going to raise the inheritance tax to 55 percent. You know what would happen to those family farms back home.

Mr. WALBERG. Absolutely. I appreciate you bringing it up, and I appreciate my good friend from Ohio for endorsing legislation that I've offered, and to have you as co-sponsors on it as well, that would make permanent the 2001 and 2003 tax cuts that have blessed this Nation and its taxpayers well and have allowed this economy to grow at a steady pace for the longest time in history.

Again, to say to the family farmer who is able to survive in this economy, by the sound effort, good work, creativity, doing what it takes to compete, and then to say that because they have succeeded, when they pass on that family farm, as it is a real business, and some of it's not a small business anymore, that they will be dinged for their responsibility, as opposed to applauded for what they've carried on for the family.

That again brings me back to a broken record on energy as well, because when you're talking to the family farmers who have to use energy to produce food, and the resources from petroleum and otherwise producing fertilizer and all of those costs going up, we've got further tax problems for the citizens of the United States. Bottom line, this energy-less energy bill will not lower gas prices for American families; it will not help American families or farmers dealing with heating costs and drying costs in their granaries this winter.

This no-energy bill doesn't include anything to increase domestic energy production. It does, however, and I'm sure you'll all be glad to hear that what was left in this was a $240 tax credit, and we all like tax credits, tax incentives. But this is a tax credit, $240 tax credit that we're going to provide every 15 minutes for people who regularly ride their bikes to work for the

purchase, repair, or storage of their bicycles.

Now, my wife and I enjoy mountain biking. We have two bikes. I have a Harley Davidson motorcycle, two wheels, that I enjoy riding. I have a fuel efficient 30 mile per gallon family car that I use for getting around my district. But I also have a three-quarter ton pickup that I use for hauling my trailer, or last Sunday, in fact, in Michigan, hauling three people out of snow-covered ditches. That couldn't have been done by a Prius, my motorcycle, my bicycle or even my 30-mile-per-gallon car.

Mr. JORDAN of Ohio. Will the gentleman yield? I just wanted to bring up a point. I represent in the Fourth Congressional District we have Airstream, some of the finest trailers in the world that people use to go camping. It's a wonderful, wonderful product. And you talk about the CAFE standards in this bill which would arbitrarily, some government-mandated standard that fleets would have to meet. It's tough. It's difficult to pull an Airstream with a Volkswagen. I mean, you need something bigger. And that's why we have to approach this. We all want to do things, but we've got to approach it in a reasonable way when we're thinking about the impact it's going to have on our economy, and as you point out on our districts and on our ag community as well. So I appreciate the gentleman yielding.

Mr. WALBERG. I appreciate you adding that because that's practical advice and a good example. The American public has grown to associate with our lifestyle all sorts of conveniences that we shouldn't feel embarrassed about. You ought to use them appropriately. We have all sorts of opportunities that other people in other parts of the world would long for. But it's come as a result of ingenuity, creativity, hard work, effort, saving, risk all of that revolved around responsibility so that people can enjoy that Airstream trailer or can use that pickup truck to transport goods and supplies on the farm and to do good deeds of pulling people out of ditches and the snow-covered roads that we had this past weekend.

Nonetheless, we, as legislators here in the U.S. Congress, have the privileged opportunity of allowing that to expand and thus bless the world, 25 percent of the world's population here, with over 85 percent of charitable resources that we give to the rest of the world. That is unique.

And for that reason, I think that true conservative effort that says we will avoid responsibility and we encourage people to be further responsible, and we don't let government step in the way with taxes or energy-less energy bills that says things that don't work is the way to go. So thank you again for giving me the opportunity.

Mr. MCCARTHY of California. Well, I thank the gentleman, and I thank all the freshmen that have been able to join us tonight, because really tonight was about bringing accountability and maybe some adult supervision because I think that's what the American public wants to see here in Congress, see that we are able to provide more free time, not take up more of your time to earn more taxes for the American Government.

I'll tell you tonight we're probably going to turn out the lights here in Congress in the next couple of days. But as those freshmen coming from the Republican Party, we all pledged that we would work in a bipartisan manner. We're eager to do that. We have a desire to do that, not to be a red and blue State but be the red, white and blue country. And we challenge the majority party here to change from the last year. It doesn't have to end a year from now as poorly as it ended this year. It doesn't have to end with the failure in setting new records, with the approval ratings so low with the lack of bills coming through, nothing but earmarks to try to get a bill through. It could actually end with common sense, with pride and, really, to be able to move it forward.

I'll tell the American people, I might get at times a little depressed sitting on this floor, but if anyone ever comes back to Washington, DC, I'd ask you to look up your Congresswoman or your Congressman and have them give you a tour because the greatest city in the world is right here and the greatest monument is this building, and the best monument inside this building are the stairs.

I will tell you, those stairs are made of marble. When you walk on those stairs those stairs are worn out from the feet that have walked before. And every day that I come over I take the stairs to go up the one flight just so I can walk on those stairs. And you know what? I get goose bumps each and every time I do it, because I believe that regardless of how big our challenges are, we will come together because the people before us and the challenges before us were much greater than we're facing today, that they came together. And if we can learn one thing through those stairs of marble it's that each and every one you take one step at a time. And I think we need to take one step, each at a time to come a little closer into the middle and find some common ground.

So I thank you for the time you have been with us tonight, and God bless.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to be here before the House once again. And a lot has been done and I'm so glad that we're here and 30-something, once again, may be our last opportunity in this year of 2007. We appreciate the courage and the commitment by those of us that are in the majority. And we talked about a number of things that we would do and that has actually happened, Mr. Speaker. And a lot has happened this year, and, Mr. Speaker, I know that your constituents and others as it relates to Minnesota and what has taken place there and the tragedies that y'all have dealt with and how this Congress has responded to that tragedy of the bridge falling, and so many of your constituents are in recovery as we speak, and being from south Florida, hurricane ravaged area, we know what recovery means. And it's important for us to respond in a bipartisan way.

But I can tell you, some of my colleagues that were on the floor just prior to me hitting the floor talking about earmarks, it's very interesting. I am, you know, it's one of those days, and I'm glad that I was able to make it to the floor and that we were able to take this hour, and we want to thank the majority leader and also the Speaker and the majority whip and our leadership as it relates to the Democratic Caucus and our vice Chair for getting here, because to talk about earmarks, it's very interesting because we've reduced earmarks by 40 percent. I mean, that is something that the Republicans did not do over a number of years. You wouldn't even know who put an earmark in if it wasn't for the transparency that the Democratic Congress brought to this process.

Now, I'm going to tell you right now, I'm very happy that I was elected to come to Congress and that I'm going to get the opportunity to go home and tell my constituents what I've done for them in Congress. That's what it's all about. Why are we here representing 600, 700,000 individuals, Americans? To not only represent them here in Congress, but to also, quote, unquote, bring home the bacon on behalf of your constituency, to make sure that they have what they need, to make sure when a county commissioner or someone that sits on a parish board has an opportunity to come to their Member of Congress and say we need something from the Federal Government, meanwhile back here in Washington, DC, we have Republicans that have voted in the last five, or four Congresses for tax breaks for billionaires. Their name's not attached to it. We come here, we bring transparency, we bring accountability. We bring accountability to this process. And then they come to the floor with the audacity to say, well, you know, oh, these earmarks. Well, you know, I don't know, but I'm pretty proud of the fact that the city of Pembroke Park is able to do something about the water treatment that they've been yearning for, struggling city. I'm very proud that the city of Miami is able to say thank you Congressman for representing us in the U.S. Congress.

Meanwhile, the Republicans, for years and years and years, have been able, Mr. RYAN, to give tax breaks to

the billionaires and gazillionaires. Here we are bringing government back to the people and being criticized by the other side of the aisle. So, Mr. RYAN, there's a lot that we have to talk about. This is a historic day. We passed energy independence and security act. That's a historic piece of legislation. And all our colleagues have in the minority to talk about, earmarks that have been reduced by 40 percent and have been highlighted by this Congress.

□ 2130

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the gentleman yielding.

The thing is there's like hundreds of people on the other side of the aisle who are taking earmarks, who feel like that it's better that they make the decision for their own district as to where the money should be spent or some bureaucrat in Washington makes the decision as to where the money is spent. Somebody's spending the money. Now, it's either the elected Representative who's going to spend the money or it's going to be someone here in DC who's going to spend the money and has no idea of what the dynamics of the district are, what your long-term economic development plans are, what the health and safety welfare needs are of your district.

So I think it's best in a democracy for the elected Representative, who gets to have meetings in their office with different constituents, as to who will decide where this money is spent.

Now, is the autism center in Youngstown, Ohio, pork? I got three-hundred-and-some-thousand for that. Is the water line in a poor community to make sure that we have clean water, is that pork?

I love it when the Members from the western part of the country come to the House floor and talk about all this government spending. You know, in California, in Arizona, there are congressional districts that would not even exist if it wasn't for a Federal investment. There are congressional districts that they're in a desert. How do you think the water gets from the Colorado River to your congressional district? Through osmosis? No. There is Federal investment that is invested in these different congressional districts, you know, the Colorado River Basin Project and all of these different projects that bring water to your district and your constituents.

So I think it is absolutely absurd for people to come to the House floor, and we've done exactly what we said we were going to do. We made this process transparent. There's nobody here that thinks you should be able to hide something. So now when you make an investment or you claim an earmark, your name goes on it, and it says Rich Center for Autism in Youngstown, Ohio, at Youngstown State University, Congressman TIM RYAN, 17th District.

Mr. MEEK of Florida. Mr. MURPHY was running for office a year and some change ago, talking about if he gets to Congress what he would do for his constituents, that he would provide the kind of representation that they deserve, turn this saga of Iraq and that other issue of Iraq back to domestic priorities, bring home the bacon on behalf of the district and his constituents.

I'm so glad that he's here tonight because we've been here three times. This is his first time. I'm glad that he's here because I want to know what's wrong. I mean, I just, Mr. Speaker, I personally want to know what's wrong with coming to Washington, DC, representing your constituents, and doing what you said you would do.

Mr. MURPHY of Connecticut. Fighting for kids with autism, fighting for teenage pregnancy programs, fighting for children's mental health, I mean, that's what's in these earmarks.

Why is the so-called pork spending that I'm bringing back to the Fifth District? For a children's mental health program in Danbury, for an after-school program in Torrington, for a teenage pregnancy center New Britain. You know why? Because the Republican Congress, along with this President, for the last 6 years and the last 12 years have gutted every single one of those programs that helps poor kids, helps poor families, helps the disabled, that helps poor, the disadvantaged, the dispossessed, all of those programs that are just trying to give people a little bit of a leg up, trying to give them access to the apparatus of opportunity that all the rest of us have, were stolen out from underneath them.

So guess what we're doing with these earmarks. We're going and funding basic social services to try to treat kids with autism, to try to cure children of a mental disease and mental disorder that they have. And we're forced to do that because we have been sitting through a Congress, and Mr. RYAN and Mr. MEEK have been talking about it for several years, that has made a choice over the last several years, has made a choice to fund a whole bunch of tax cuts for people at the upper, upper echelon of the income scale and at the expense of all the people that we are now putting first again, the folks that are supposed to be helped by government, that is, middle-class, regular folks who, through no fault of their own, might have had a little opportunity stolen from them. We're going to try to help them out again here.

Mr. RYAN of Ohio. The issue here is that the earmarks are a very small percentage of the Federal budget. All of these bills have been bipartisan. If you look at all of the appropriations bills that have passed out of the House, there has been a significant number of Republicans who have joined with the Democrats to make these investments, especially Members of the Appropriations Committee that have looked at these issues very carefully to make these investments in a bipartisan way.

The energy bill, of which our friends on the other side, Mr. Speaker, have derided us and it's a Democratic this and a Democratic that, 314 votes; 314 votes, which is 70 or 80 Republican Members of this body have joined with us to try to increase CAFE standards, make investments in alternative energy, make investments in the middle America and the Midwest. This is on a bipartisan basis.

So it seems like those folks who come to the floor seem to be on the fringe level of the party that they're talking about these things. But I think it's important for us to talk about some of the investments that we have made here.

There has been a significant shift in priorities. Now, we haven't come anywhere close to achieving what we have wanted to achieve since we have taken over. We don't have 60 votes in the Senate, and the Republicans have done a good job of blocking a lot of our legislation that we've tried to pass.

The President has vetoed SCHIP, which is the State Children's Health Insurance Program, that we wanted to provide 10 million middle-class kids with health care, and the President vetoed it twice. And the fringe Republicans, many have joined with us. RAY LAHOOD, STEVE LATOURETTE, a lot of good Members of Congress have joined with us to try to override that veto, but the President was able to sustain it.

So we asked to cover health care for 10 million kids, $35 billion over 5 years. President said we're spending too much money. Turned around within days and asked for $200 billion more for Iraq that we're going to borrow from China. And so some of the investments that we're trying to make, I think it's important for the American people to know what we have done.

Mr. MURPHY of Connecticut. Tell them.

Mr. RYAN of Ohio. We've raised the minimum wage for the first time since 1997. We've cut student loan interest rates in half from 6.8 percent to 3.4 percent, which will save and increase the Pell Grant by $1,000 over the next 4 or 5 years. We will save the average student or their parents, whoever's footing the bill, $4,400 over the course of their loan that they take out. Those are significant investments to the middle class. We're going to fix the AMT, which would come in and zap 23 or 24 million people.

But I think it's important that we share with the American people, Mr. Speaker, the investments that we have made here, that are different than what the President wanted us to do, and we can go through this.

But medical research, $607 million above the President's request. That's a lot of money, $607 million to research Alzheimer's, cancer, Parkinson's and diabetes. Now, I think the American people want us to work together to try to fund some basic research.

Mr. MEEK of Florida. Mr. Speaker, this is one of these moments at the end

of the session, I mean we're like days from Christmas. We're still here in Washington, D.C. We've already started Hanukkah; Kwanzaa's on its way.

I think it's very, very important for us to point at the fact that this Congress has worked harder than any other Congress in the history of the Republic. I mean, I'm not talking about coming in number two or coming in number three or coming in number four, but we've taken more rollcall votes in the history of the Republic.

I think it's also very important, and I feel goose bumps by this whole thing. I pay attention to history. I also pay very close attention to the present. We're looking at a President right now that has made more veto threats than he's made in the last 5 years or 4 years, what have you, that he's been President of the United States to this Democratic Congress. We're looking at the AMT. We're talking about individuals being able to file their taxes, and we said that we were going to pay for it. This President is saying that he doesn't want to pay for it, that he wants to borrow the money. But the bottom line is that we're going to be here to make sure that we pay for it in the long run, in the second half of this Congress.

We're not going to allow the President to play this Congress as a fiddle. This President is talking about, Oh, well, I want Iraq funding a part of the appropriations bill that's going to pass and all. He has the veto pen. He also has 40 Republicans here in this Chamber to make sure that we don't override him on this issue of Iraq. We voted for appropriations for Afghanistan, and we had a number of Republicans that voted against it, some 200-plus. I don't feel in any way bad about the position that we've taken.

I'm so glad Mr. Manatos is on our side. You know, our colleagues who came to the floor right before our hour. I sent upstairs for this chart to make sure that we enter this chart into the RECORD one more time. I think it's important that we look at the 42 Presidents before this President were only able to borrow $1.01 trillion. We're talking about the Great Depression. We're talking about World War I. We're talking about World War II. We're talking about Korea. We're talking about Vietnam. We're talking about Grenada; that's new. We're talking about a number of conflicts that have taken place. We're talking about economic downturns. We're talking about the S&L scandal. We're talking about a number of issues that have faced Americans over the years.

This President, President Bush, along with his Republican minority, thank God, but enough to be able to cause trouble over in the Senate with this 60-vote phenomena that we've learned about in this 110th Congress with Republicans saying, Well, you know, we're going to use procedural rules to be able to hold up what the Democratic Congress would like to do in this Congress.

This President was able to borrow $1.19 trillion. That number is higher now. This chart is not updated, but I think it's important for our Democrats, Independents, Republicans to know that we believe in fiscal responsibility here on this floor. We believe in the American way.

We used to talk about our children paying this bill, but now we're talking about we are paying this bill, countries like China and others.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. So I know Mr. RYAN is trying to get in the middle of this. He's always trying to get in the middle, and I'm just trying to make my point. I don't want you to take it personal. I'm just trying to make my point.

Mr. RYAN of Ohio. I yield to the gentleman.

Mr. MEEK of Florida. Thank you so very much.

I think it's important, and I kind of feel like a Baptist preacher on the first Sunday. You want to be able to make your point, and you want to be able to climax, but Mr. RYAN comes in and gets in the way, but it's okay. He has a good point. He's a great American.

I think it's important that we look at our responsibility right now and in the present for being able to stand up for those that have elected, woke up early one Tuesday for us, voting for representation, that we give voice to their cause and their need.

I think it's also important, especially as it relates to the diversity of our caucus, need it be Blue Dogs, need it be moderate, need it be to the left or whatever the case may be, it represents America.

I think the reason why Republicans voted for Democrats last time, Independents voted for Democrats last time, Democrats voted for Democrats last time is because they're looking for change. We're here to provide that kind of change, but we start looking at obstructionists here in Congress using procedural, using the rules of the House, using the rules of the Senate. The minority is protected in this process, standing in the schoolhouse door, if I may use that, of allowing us to stop from the report that we got today, November 13, or yesterday, November 13, total deaths in Iraq, 3,888; total numbers wounded in action and returned to duty, 15,832; total numbers wounded in action and not returning to duty, 12,829.

□ 2145

We pay attention to those numbers in the 30-something group because the American people are paying attention to those numbers, and I think it's very important, Mr. Speaker, that we continue to lift this issue up.

So as we look at what we are facing right now, Members, there's nothing wrong with us representing our districts and being able to bring dollars back because this is something that has not happened over the years. We have been borrowing the money to be able to continue the war in Iraq. We have been borrowing the money as it relates to going after Osama bin Laden in Afghanistan. We have been doing the things we need to do. But I think it's very important, Members, that we tell our story.

Today a very historic piece of legislation passed this floor when we look at the Energy Independence and Security Act. And I think we should not allow this day to pass without talking about the courage of Democrats and Republicans passing this bill.

I yield to Mr. ALTMIRE.

Mr. ALTMIRE. Before the gentleman gets into the energy bill, Mr. Speaker, and we do have a lot to talk about because that's an historic vote that is going to change this country in the long term for the better, I did want to follow up on what the gentleman talked about earlier and was finishing his remarks that about the legacy that this Congress over the past 6 years has left for our children and our grandchildren, the legacy of debt. And I want to take a little walk down memory lane, and we have talked about this before, to think about what happened in the last 4 years of President Clinton's administration, where we had 4 consecutive years of budget surplus, a surplus that was forecast as far as the eye can see. In 10 years the estimated $5.5 trillion surplus, according to CBO, from 2001 through 2010, that was the estimated surplus dollars that we were going to have. And you will recall back in the 2000 election between Governor Bush and Vice President Gore, what was the debate? The debate was what are we going to do with this surplus? We had this enormous surplus, $5.5 trillion. Are we going to pay down the debt? Are we going to shore up Social Security? Are we going to do tax cuts? Are we going to create new programs? Everyone had an idea. You know what? We're not having that debate anymore because instead of having 10 years of budget surpluses, we have had 7 consecutive years of budget deficits, and those deficits are now forecast as far as the eye can see. And to make matters worse, the 10-year projection from 2001 to 2010 because of this administration is a $3.5 trillion deficit, $3.5 trillion dollars in the red. So that's a swing of almost $9 trillion. And I would suggest to my colleagues if you had said to an economist in 2001 at the beginning of this administration's first term, if you had said, how could you possibly come up with the scenario where we would have a $9 trillion swing from positive to negative in the projection of having a surplus to a deficit? Is that even possible? And any economist you ask would say, no, it would be impossible to mismanage the economy to such an extent over just 7 years that you would have a $9 trillion swing. So I sat and listened to the group that came before us, a group that lectured us on fiscal responsibility.

Mr. MEEK of Florida. Mr. ALTMIRE, I think you just hit a point there.

Mr. RYAN, the 30-something Working Group, I can say, gentlemen, that we do our homework. As we talked about our colleagues on the minority side criticizing earmarks on the majority side, Mr. RYAN, would you please share with our illustrious support staff that we have here?

Mr. Speaker, this is the reason why the 30-something group exists, so that we can, some may say, push back. We say tell the truth.

I yield to Mr. RYAN.

Mr. RYAN of Ohio. Well, it's interesting that one of the gentlemen, Mr. Speaker, that was down here complaining about earmarks just minutes ago prior to our getting down here, and we are not here to play gotcha but we are here to reveal what has happened here, in this bill loaded with earmarks, loaded with all this pork, one of the gentlemen down here, Mr. Speaker, had requested 20 earmarks worth $38 million but turns around and comes to the House floor and is critical of the Rich Center for Autism in Youngstown and dam safety projects and after-school programs and some of the other districts that are here and calling it pork and in one of the instances was trying to in some way disparage the gentleman from New York (Mr. RANGEL) in his project that he had that was named after him and the same gentleman is now supportive of the Thomas Road Improvement Program that is now under way that his predecessor, Representative Bill Thomas, submitted with his own name on it for the project but yet comes down and is critical.

So our point is not to play gotcha. Our point is to say that Members of Congress should be able to direct a certain amount, and it's only a small percentage of the budget. I don't even know if it's .5 percent of the entire budget.

Mr. MEEK of Florida. Bill Thomas that used to be the chairman of the Ways and Means Committee.

Mr. RYAN of Ohio. Right.

Mr. MEEK of Florida. So I think it's important, Mr. Speaker, for us to note that that's the case.

And, Mr. RYAN, I am going to kick it back to you and Mr. MURPHY was very kind because it was his turn, but I am going to tell you Mr. Thomas ran the Ways and Means Committee, Mr. ALTMIRE, and meanwhile had something named after him. And for Members on the minority side to come to the floor and talk about present Members that are bringing home the resources on behalf of their constituents, I can see if one did not put in a request.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I will yield, Mr. RYAN.

Mr. RYAN of Ohio. We have got more here. The gentleman from California, the previous gentleman, who just made fun of us for all the earmarks, had 20 earmarks worth $38 million and is supporting one now named after the former Chair of the Ways and Means Committee.

Another gentleman down here that was from Michigan got press releases, and you will love this one, $3 million for an extended cold weather clothing system through the Army. He was just down here making fun of everybody, and he's requesting thermal underwear. And it's not funny because the reason we are here is to make sure that we are getting this all out. And for Members of Congress to come question the Rich Center for Autism. And I know Mr. ALTMIRE has a lot of issues. We have all got issues.

Mr. MURPHY of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Speaker, the point is to make your case. If you want money for thermal underwear, come down and make your case in front of your colleagues. If you want money for autism, make your case. But the fact is you can't come down here and hold everyone else on one side of the aisle to a standard that you're not willing to hold yourselves to. It's a simple request here, Mr. RYAN, to be consistent. If you're going to be against earmarks, then be against them. But if you are going to make the case that there's waste and pork in the bill, sometimes you've got to look inward.

Mr. MEEK of Florida. Reclaiming my time, Mr. ALTMIRE, I want to thank you first.

First of all, Mr. Speaker, let me just say this: let me tell you, as I was walking to the Chamber, I saw that the Speaker's vehicle was still here in the Capitol. I saw that the majority leader's vehicle was still here at the Capitol. This is now a little bit before 10 p.m. within the closing days of Congress. We have worked day in and day out. We are here away from our families, many of you away from your families, days before Christmas, to be able to work on behalf of the American people.

I think it's important for us to understand that we would not even be having the discussion about who got what if it wasn't for the transparency that this Democratic Congress brought to this process first. So for Republicans to come to the floor and start talking about who got what, it never would have happened, Mr. MURPHY, if it wasn't for what we have done. It never would have happened if it wasn't for your class and Mr. ALTMIRE's class coming and saying we want transparency, that we want the American people to see what we are doing, that we want to take more rollcall votes than any other Congress in the history of the United States. We want ethics; we want responsibility; we want fiscal responsibility; we want to make sure that the Veterans Affairs get more money than they have ever had in history, the veterans health care system, in the history of the Republic.

We want accountability as it relates to Iraq, and we want this President to know that this is not a rubber-stamp Congress. If it was not for you, Mr. Speaker, including yourself, asking for the kind of accountability the American people have been calling for, that have been yearning for, voting for and they finally got it, for the minority party to come to the floor and start criticizing things, where they make over 20-plus earmarks, to come to the floor and criticize, that's why I'm so glad, Tom and Tasha and Michael, that we are here tonight, Mr. Speaker, to make sure that we set the record straight.

We talked about the hypocrisy of the democracy. This is a perfect example of what happens when things go unchecked. I am so glad that we exist. I'm so glad we have air within our bodies to be able to come to the floor.

I yield to Mr. ALTMIRE.

Mr. ALTMIRE. Mr. Speaker, I appreciate the gentleman allowing me to speak out of turn.

I have the high order of being asked to do the Speaker pro tempore duties beginning in a few minutes here, and I do greatly appreciate our friend and colleague, Mr. ELLISON from Minnesota, for covering for me while I give these remarks, and then I am going to take the chair.

The gentleman hit it right on the head. We would not be having this discussion were it not for this Congress on the very first day we were in session adding transparency to the earmark process. In the past we couldn't have this discussion because earmarks were put in in the dark of night. Earmarks were not identified by sponsor. Earmarks were put in at each stage of the process unidentified. You didn't know where they came from. You didn't know the details of the earmarks.

Now we are able to have a discussion, and every Member of Congress who has an earmark in the bill that we are going to pass this week and send to the President has the responsibility to justify those earmarks. And if the gentleman wants to justify his earmark for cold weather clothing, he's able to do so.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, let me just clarify what you're saying. In the past if somebody had come down to this floor and had spent an hour railing against the massive amount of earmarks in the bill, we wouldn't know that that person had requested some 20-odd earmarks in the bill. We wouldn't know unless we had these rules in place.

Mr. ALTMIRE. That is absolutely correct. And you wouldn't be able to look at the final product, at the bill, and look at every single earmark in there. I think they said there were 9,000 earmarks in the omnibus bill that we were passing today compared to 16,000 total earmarks that were in the last Republican budget that was passed. I believe that was fiscal year 2006. And I am going to talk about why fiscal year

2007 didn't have any earmarks. But fiscal year 2006 had 16,000 earmarks unidentified. We couldn't have this discussion. We couldn't come to the floor and talk about who put in these earmarks, who has to justify the merits of those earmarks. But we can have that discussion today because this Congress, on the very first day in session, one of the very first things we did, one of the very first votes that Mr. MURPHY, Mr. ELLISON, and myself cast as Members of Congress was to add transparency to the process, to shine the spotlight and add sunshine to the earmark process. So now we know.

And I am more than willing to justify the money that I am sending back to my district to help stimulate the economy and create jobs in western Pennsylvania. I would assume that the speakers who came before us are willing to justify their earmarks in there. But don't come down to the floor and lecture us on whether or not there should be earmarks in the process.

And if the gentleman would just allow me to finish, because I do have to take the chair, and again I thank Mr. ELLISON.

□ 2200

In FY 2007, I think I said 2005 and 2006, FY 2007, the Republicans who controlled this House at the end of 2006 were unable to complete their work on nine of the 11 appropriations bills.

Now, we heard some rhetoric in the group that came before us, and we've heard for the past several weeks, even months, about how we are not doing our duty because we're putting all these bills into an omnibus bill and sending it to the President before the end of the year. I want to take a walk down memory lane on this, too.

One of the other first votes that Mr. MURPHY, Mr. ELLISON and myself took, our freshman class, was resolving those nine appropriation bills from last year that the Congress left to us. And that happened because after the elections that Congress said, You know what? We're taking our ball and going home. Forget it. We're not going to complete these nine bills. We're going to leave it for the next Congress. And that next Congress was this Congress. It was the Democratic-controlled Congress. And we finished all nine appropriations bills in a month. And those nine appropriations bills funding us right now, the current operations of the government, contain no earmarks, zero. So we went from 16,000 earmarks the year before last to zero for those nine of 11 appropriations bills that we have today.

So, yes, the omnibus bill that we are passing this week does contain earmarks, but let's not forget the fact that the current year's budget, which we passed in this Congress, had no earmarks. And we were stuck with that right from the start, specifically because the previous Congress failed their job and left it for us to resolve.

And at this point, I will yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, let me just take a quick guess, let me throw a hypothesis out there about why folks on the other side of the aisle and those that were talking tonight might be a little angry.

Everyone gets passionate down here, but when Mr. MEEKS talks, it's kind of like happy passionate. On the other side of the aisle it feels a little different. And listen, I would be too, I guess. And this is my guess, I would be, too, if I had spent decades building up a brand of my political party based around fiscal responsibility, and then, in the course of 1 year, in the course of 1 year the party that you tried to portray as the tax and spenders, the fiscal irresponsibles, that party, after having been in control of the Congress for less than a year, for the first time in 12 years does all of the fiscally responsible things that you couldn't do, passes a rule saying that every single bill that comes before this Congress has to be paid for. You can't pass anything on this floor that expands the deficit. First time that's happened since the Republicans took control of this Congress. That was Democrats that did that. Passes a balanced budget in 5 years, that's Democrats doing it. Leading a Congress that is shrinking, rather than expanding, the annual operating deficit of the Federal Government. That's Democrats; that's not Republicans.

So, I guess I would be angry, too, if I was a Republican in this House and I looked at the party that I thought I joined, which was the fiscally responsible party, and found out that that mantle now lay on the other side of the aisle. So, that might explain something, Mr. RYAN. And I guess knowing that, maybe a little bit of it is justifiable.

Mr. RYAN of Ohio. You know, obviously there have been situations decades ago where, you know, everyone was spending too much money. And for us to put in the PAYGO rules that say you've got to pay for every dime you spend one way or the other I think is a significant step in the right direction. Nobody here wants to continue what has happened over the last 6 years.

And when you look at what's happened, over $3 trillion in debt has been borrowed from China, Japan and OPEC countries. Our friends on the other side, when they were in charge, raised the debt limit five times in order to go out and borrow more money. And we see the situation that we're in now. So we're trying to, slowly but surely, rein all of this in and make very strategic investments.

And I would say, Mr. Speaker, that you can go to the Web sites for the Speaker and our caucus and what we're doing. We're making investments into alternative energy, research and development, so we can open up new sectors of the economy. We're making investments in education, saving the average family who takes out loans and utilizes the Pell Grants $4,400 over the course of that loan. That's a middle-class tax cut. What we're going to do with the AMT, the alternative minimum tax, we're going to prevent 23 million people from getting a tax increase next year. And that's a middle-class tax cut. These are people making $50,000 to $75,000 a year. We're going to prevent that from happening.

Significant steps in criminal justice. Cops on the beat. In communities like Youngstown, Ohio, the city doesn't have the tax base to keep hiring more and more cops, so it's harder to develop your economy if you don't have security. So, these are the kinds of investments that we're making.

So, in closing, as we wrap things up, because I think we're going to wrap things up here in a minute, first, Mr. Speaker, I would like to submit these two articles for the RECORD so that not only are these earmarks represented openly, as our rules have provided, but there are also press releases that some of our Members on the other side who have been on the floor detesting earmarks, their press releases can now be submitted for the RECORD.

[From the Bakersfield Californian, July 11, 2007]

GET AN EYEFUL OF EARMARKS

Earmark—a.k.a. ''pork barrel''—spending has almost as dirty a reputation as its porcine namesake.

Earmarks are items from a pot of money—$29 billion in 2006—from the $2.4 trillion federal budget that is set aside from the complex federal appropriation process for congressmen to dole out for specific projects in their districts.

There are two problems with earmarks:

Some ideas are silly, flag-waving expenditures with little widespread redeeming value.

Good or bad, finding out what the money is for and who the patron congress member is can be a nearly impossible task for the public until it is too late to change the spending outcome.

That could be changing, and Rep. Kevin McCarthy, R–Bakersfield, may be among the 34 of 435 members of Congress who voluntarily released his list of requests in time for the public to comment. Rep. Jim Costa, D–Fresno, has not.

Early disclosure is the key element to any credibility claim. With that in mind, why wouldn't everyone list their proposed earmarks the way McCarthy has done?

See the first bulleted item above. A good project gains stature, but a stinker may, like Dracula, die a deserved death when the light of day shines on it.

Thus, disclosure has the potential benefit of increasing the quality—and hence the justification—of earmarks.

But can earmarks be justified at all?

Yes. The federal budget process tends to look at the big picture—after all, it is measured in trillions of dollars. An earmark can focus on a small, highly localized need that is easily overlooked in vast appropriation measures.

McCarthy requested 20 earmarks worth $38 million for the 22nd district (Kern and San Luis Obispo counties) and another $142 million for Edwards Air Force Base and China Lake Naval Air Weapons Center.

He may not get any funds, but some examples include $122,000 to help the Bakersfield Police Department deter gang violence; $7 million for the Lake Isabella Dam safety

project; $500,000 for Cal State Bakersfield to help nursing education.

A classic example is the Thomas Road Improvement Program now under way. In his final year in office, McCarthy's predecessor, Rep. Bill Thomas, provided desperately needed highway funding that otherwise would have been sucked up by politically powerful Southern California and Bay Area jurisdictions.

Whether an earmark is good or bad is up to the individual voter. But at least now you know what is being requested. (A full list of McCarthy's requests was published in the July 1 Californian.)

WALBERG SECURES HOUSE APPROVAL OF FUNDING FOR BIOLOGICAL WEAPONS PREVENTION

WASHINGTON, August 16.—U.S. Congressman Tim Walberg (R–MI) announced today that 2008 funding for Dexter Research Center, Inc. was approved in the Department of Defense Appropriations Bill that recently passed the House. The bill will now go to the U.S. Senate to be voted on as part of the fiscal year 2008 Appropriations process.

''The Department of Defense must have the capability to respond to chemical and biological attacks, and this important project will increase the safety and security of our men and women in uniform,'' Walberg said.

With this funding, the Michigan company will help develop a Total Perimeter Surveillance (TPS) system based on infrared technology able to identify and trigger an immediate response to chemical and biological attacks against Department of Defense facilities.

''We are excited to have this opportunity to leverage our science and manufacturing capabilities to help make our national defense sites even more secure,'' said Robert Toth, Jr., President of Dexter Research Center.

Funding details:

Dexter Research Center, Inc. (Washtenaw County) $2,000,000—This project funding will go towards assisting in the development of a Total Perimeter Surveillance (TPS) system capable of identifying and responding to chemical and biological attacks. The TPS solution, based on novel infrared technology, can provide complete perimeter threat detection and identification with sufficient advanced warning to Department of Defense facilities to meet current threat requirements.

WALBERG SECURES HOUSE APPROVAL OF FUNDING FOR SONOBUOYS

WASHINGTON, August 13.—U.S. Congressman Tim Walberg (R–MI) announced today that 2008 funding for sonobuoys, produced by Sparton Electronics of Jackson, was approved in the Department of Defense Appropriations Bill that recently passed the House. The bill will now go to the U.S. Senate to be voted on as part of the fiscal year 2008 Appropriations process.

''Funding for sonobuoys, produced by Sparton Electronics, is important for the security of our naval personnel and Jackson County,'' Walberg said.

Funding details:

Sparton Electronics, (Jackson County) $2,500,000 increase—This project funding will go towards procurement of sonobuoys for the Department of the Navy. The sonobuoy remains the Navy's primary sensor for detection and localization of submarines by air anti-submarine warfare (ASW) platforms. Sonobuoys provide the only means to rapidly sanitize large areas of water prior to fleet units arriving in the area.

WALBERG SECURES HOUSE APPROVAL OF FUNDING FOR PECKHAM INDUSTRIES PRODUCTS USED BY MILITARY

WASHINGTON, August 17.—U.S. Congressman Tim Walberg (R–MI) announced today that 2008 funding for Peckham Industries was approved in the Departments of Defense Appropriations Bill that recently passed the House. The bill will now go to the U.S. Senate to be voted on as part of the fiscal year 2008 Appropriations process.

Peckham produces Fleece Insulating Liners, a Cold Weather Layering System and a Multi Climate Protection System all used by United States military personnel.

''These three projects greatly benefit our brave men and women in uniform and Eaton County,'' Walberg said.

''It's a privilege to provide our soldiers with the equipment they need,'' Peckham CEO/President Mitchell Tomlinson said. ''These contracts represent much needed jobs and opportunities created for persons with disabilities. We're proud to continue providing the highest quality, high performance cold weather gear available to our military.''

Funding details:

Peckham Industries, $3,000,000—This project will go towards the production of Insulating Liners for Extended Cold Weather Clothing System for the Department of the Army. This product was created in direct response to soldiers' complaints of bulkiness and lack of breathability in previous attire.

Peckham Industries, $3,000,000—This project will go towards the production of a Cold Weather Layering System for the United States Marine Corps. The CWLS is part of the Marine Corps' Mountain and Cold Weather Clothing and Equipment Program, which provides lightweight, durable combat clothing that allows Marines to operate in all kinds of cold weather environments.

Peckham Industries, $2,500,000—This project will go towards the production of a Multi Climate Protection System (MCPS) for the Department of the Navy. The MCPS is a modular ensemble that provides total performance by layering thermal protection and shell garments.

Mr. RYAN of Ohio. And I would just like to say, go to our Web site. Look at what we've done for K–12, student aid, rural development, the farm bill. All of the things that we've passed out of here have been investments, actually met the President's budget numbers, so it's just a shift in priorities.

So, I'm saying I think we've made significant progress this year, and we hope to expand it next year.

And with that, Mr. MEEK, I yield back to you.

Mr. MEEK of Florida. Well, Mr. RYAN, I want to thank you and Mr. ALTMIRE, and also Mr. MURPHY and Ms. WASSERMAN SCHULTZ and others who have been very active in our 30-Something over the year. I want to thank those that are involved in preparing not only material that we meet on on a weekly basis, but also what we bring to the floor.

I want to thank all of the staff and those that are involved, the Speaker's office, the majority leader and the whip's office, the majority whip and the Democratic leader, and also the Vice Chair for everything you do to make our 30-Something hour possible.

I don't know if we'll have the opportunity to come to the floor tomorrow, which some project may be our last night on the floor, but we want to thank Mr. Michael and also Mr. Tom, Ms. Natasha and Mr. Adam and so many others that have spent time on this.

Mr. Speaker, there has been a lot done this Congress. We're going to be talking about it more. And like Mr. RYAN said, go onto www.speaker.gov to get information on 30-Something.

I want to commend those Members of the minority party that voted with the majority party to be able to make it so for many of the things that Mr. RYAN has talked about.

We look forward to the President's State of the Union that will be coming up in January. Many of, I'm pretty sure, his talking points will come from what has already been accomplished by this Democratic Congress or has been brought to the President by force because of the vote that we have here and the will of the American people.

We know that this is the holiday time of the year, and we would like to also recognize not only the contributions of our religious communities out there, but also those that work within our charities that have made it so for those to be able to not only have warm meals, but also to have gifts at this time of year.

Also recognizing those Members that served in the first half of this Congress that did not make it to the second half of this Congress, those Members of this House and also the Senate that have moved on to a higher place. We ask for blessings for their families, and also for their loved ones that have been left behind. We try to provide the kind of representation that they tried to put forth on the Democratic and also the Republican side of the House.

Mr. Speaker, I am very grateful, and all of us in the 30-Something are very grateful for coming to the floor.

Mr. MURPHY of Connecticut. Mr. MEEK, if you would yield for just a moment. I just wanted, on behalf of Mr. ALTMIRE, who sits in the Speaker's chair today, to just thank you and Mr. RYAN for allowing two new guys into the 30-Something. This has been just a wonderful year for us, made even more wonderful by being able to be closer to the good graces and large brains of both you and Mr. RYAN. So, I mean that sincerely, by the way. You did not have to open up the 30-Something Group to both Mr. ALTMIRE and myself and some of the others that have had the opportunity to come down and be part of these discussions that we've watched on TV for years before we came here. And I would like to extend our thanks to you and Mr. RYAN and Ms. WASSERMAN SCHULTZ.

Mr. MEEK of Florida. Well, Mr. MURPHY, we definitely appreciate it. And I'm going to take that part of the CONGRESSIONAL RECORD and put it in the foyer of my office here in Washington, also the large brains part, put it in the foyer. But if it wasn't for the support of our leadership allowing us to come to the floor. But also, I think, Mr. Speaker, those individuals that are in harm's way and their families, two wars going on, we appreciate their contributions.

We appreciate those veterans, since we're giving what we call ''shout-

outs,'' giving those veterans that allow us to salute one flag, we appreciate them, those folks that put it on the line and some that did not make it.

But we look forward to coming back in the second half of this Congress and finish the unfinished business. We want the American people to have faith in this House, have faith in this Senate, and also a level of respect for the Commander in Chief, that we're going to work this thing out here in Washington, D.C., on behalf of those that have sent us up here to represent them.

I look forward to the second half of the Congress. I want to thank the staff, thank the folks in the Clerk's office for doing all that they've done, even the staff over in the minority office for sticking in there over many hours in this first half, because we have not only made history, but we have also put in more hours than any other Congress in the history of the Republic.

With that, Mr. Speaker, we encourage people to go to www.speaker.gov, and we yield back the balance of our time.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. We probably won't take the entire 60 minutes because it has been a long week and it's been a long year, but I did want to come to the floor of the House this evening and talk a little bit about health care and talk a little bit about some of the things that are going on in Medicare, some of the things that are going on in Medicare as it affects our Nation's physicians workforce, and what, perhaps, I see over the horizon for the next six to 12 months. It's going to be kind of an interesting year. It's an election year in this country, and that means we never want for drama during that time.

This is, of course, the special time of year at the end of the year where we all pause and kind of give a little thanks for living in the greatest country on the face of the Earth, the greatest country the world has ever known. We're blessed with many, many benefits from living in this country. Sometimes we take many of those for granted. Our health care is one of those benefits that I think we do take for granted, we overlook too often.

It is appropriate to perhaps have a little checkup on that little tiny segment of the health care market that is controlled by the Federal Government. Of course, I'm being factitious because the Federal Government has under its direct control and grasp probably close to 50 cents out of every health care dollar that is spent in this country. That is, 50 cents out of every health care dollar that is spent in this country originates right here on the floor of the House of Representatives when you configure or figure the expenditures on Medicare, Medicaid, the VA system, the Indian Health Service, the Federal prison system, the federally qualified health centers around the country, 50 cents out of every dollar starts here on the floor of the House.

But Medicare does have some operational problems with its physician workforce, it has some distributional problems. There are some areas that need attention in our Medicare system. And the problem, Mr. Speaker, is not just money. We've heard a lot of folks talking on my side, folks talking on the other side about the issue of money, but the issue is not just about money, although the money is extremely important. It's not just about money. It is the policies that we create here on the floor of this House and the rules that are written in the Federal agencies under our direction. It's the policies created in this House that actually lead to most of the direct problems in that part of health care that is paid for under the reach and grasp of the Federal Government.

Now, Medicare was created a little over 40 years ago, the mid-1960s. And it was created to make a connection between patients and their physicians, patients and their hospitals and places where they needed to go for care, care that was becoming very expensive, and for some of our seniors was care that perhaps would be out of their reach.

□ 2215

Now, Mr. Speaker, believe it or not, I was not in practice at the time Medicare was instituted. My dad was. And I remember very clearly when Medicare was started in this country and some of the concerns revolving around that. I don't think anyone would have really thought that we would have just done an appropriations bill where here some 43 years later after the enactment of Medicare, I don't know what the total line expenditure for Medicare was, but it is topping $300 billion for a year in Medicare. You add the expenses of Medicaid to that, and the two together with what is spent at the Federal level and what is spent at the State level when you involve Medicaid and we are well over $6 billion a year for what we pay for that. So, again, it is really not so much a question of money. It is a question of policy.

But the lifeline that was created between seniors and their doctors, seniors and their hospitals, that lifeline that has been depended upon by really two generations of Americans now, almost two generations of Americans, that lifeline is frayed. Almost every day there is a little nick, a little cut. It is death by a thousand scalpels, if you will, since we are talking about health care. And it is that constant nicking, it is that constant pressure on that lifeline that is causing the lifeline to fray for many individuals.

Now, Mr. Speaker, I have said on the floor of this House before and it bears repeating tonight, Alan Greenspan, the former Chairman of the Federal Reserve Board, when he left his office as chairman just a little less than 2 years ago through one of his sort of exit speeches when he came through to talk to various groups, one of the things when he came to talk to a group of us one morning back in January of 2005, I think it was, and talked about the, well, he was asked about the cost of Medicare, how in the world is Congress ever going to keep up with the ever increasing cost of Medicare; how is Congress going to deal with what is basically an unfunded obligation going into the future. And the Chairman thought about it for a moment, and as always he is very careful about what he says. He said, I think when the time comes Congress will find the courage to do what is necessary to keep the Medicare system up and running. He said, what concerns me more is will there be anyone there to deliver the services when you require them?

Because, Mr. Speaker, January 1 of 2008 will be the year the first baby boomers reach the magic age of 62. They begin entering their retirement period, their retirement time; and as a consequence, we are going to see a lot of pressure put, not just on the Medicare system but on the Social Security system, on our system of long-term care, which is basically the Medicaid system under the current construction.

So there is going to be a lot of pressure put on those Federal programs as more and more people of my generation reach retirement age and again to seek and ask for and collect those benefits that they believe that they have been paying into over time.

But what happens if the supply-demand equation in regards to America's physician workforce, and nurses too for that matter, but what if the law of supply and demand has been drastically skewed so that there is not the supply, we are not keeping up with the supply of doctors and health professionals who are going to be required to take care of those patients as they enter their retirement years?

At the risk of getting too technical, let me just share a few facts. Mr. Speaker, I am sensitive to the fact that I must only address the Chair and not address people who are here on the House floor with us, Members who might be watching from their offices. I know I am not supposed to direct my comments to people who might be watching on C–SPAN so I will confine my remarks solely to the Chair and, Mr. Speaker, this is a poster that I have used in the past, and many people have seen this poster used on the floor of this House. This is a cover from the periodical put out by the Texas Medical Association. Every year they come out with a publication called Texas Medicine. And this is from March of this past year, March of 2007. And the title article was, ''Running Out of Doctors.'' It is a concern, certainly a concern of my professional organization, the Texas Medical Association back in Texas. And it is a concern, I think, or

should be a concern for many of us here in this Congress.

Again, it was a concern of Mr. Greenspan's 2 years ago when he came and talked to a group of us. And, in fact, Mr. Speaker, I asked Mr. Greenspan again when he came back to visit with us just a few months ago, I said, I often quote that statement that you made to me about is there going to be anyone there to take care of the patients in the future, and do you still feel that way, Mr. Chairman? And he said, Not only do I still feel that way, I feel stronger about it today than I did a few years ago. So this is a very relevant point and something that certainly we need to keep in mind.

Now, one of the things that is still up to be done, one of the things that is still on our to-do list here on the House side before we do finally draw this year to a merciful close is we do have to address, basically, what Medicare pays doctors. For whatever reason, we have to deal with that every year, and we don't always do a good job. Certainly when my side was in charge, we didn't always do a good job, and this year I think that performance is being repeated, and perhaps it is even a little bit worse this year.

The fact of the matter is that if Congress doesn't do something before December 31 of every year, there is a scheduled series of payment reductions that physicians will experience as a consequence of the formula under which they are paid under Medicare. It is not a problem that is unique to this Congress. It has been going on for years. It has been going on through several administrations. It is a problem brought to us by a formula called the sustainable growth rate formula which is how physicians are paid under Medicare.

Now, it is different for hospitals, it is different for HMOs, it is different for drug companies. Those expenditures are subject to essentially a cost-of-living adjustment every year. So every year there is perhaps a little bit of an uptick in what the hospitals receive, kind of a what is called a market basket update where the cost of inputs, the cost of delivering the care is figured into what Medicare reimburses a hospital.

So part A of Medicare, which is the hospital payment, funded out of payroll deductions, part A of Medicare, the hospitals do receive a little bit, it is not terribly generous, but they do receive a little bit of an uptick every year. For part C of Medicare, which is the Medicare HMOs, they are perhaps even a little more generous than the hospitals. They get a little positive update so they can continue to meet the obligations that they have in taking care of our Medicare patients. We are asking the HMOs to provide that care. We are asking the hospitals; in fact, we are asking the doctors. Congress asks them to provide the care so hospitals, HMOs and now drug companies receive a little bit of an additional payment every year under the current formula structure.

But for whatever reasons, physicians have been calculated differently. And the physician rate of compensation for Medicare patients is based upon something that has a little bit to do with the gross domestic product and the idea that we are only going to be able to control the expenditure on volume and intensity of Medicare services if we really ratchet down what we pay doctors year over year. But the negative consequences of that are significant, and the price that doctors pay if we do not do our work by December 31, and it looks now like we will sort of, and we will get to that in a minute, it looks like we will do that work and accomplish that task before December 31; but if we don't do that, then this year the Center for Medicaid and Medicare Services came out with a report November 1 saying doctors would receive payment reductions of a little bit over 10 percent, I think it was 10.1 or 10.3 percent, for 2008 compared to what they received in 2007. Well, stop and think about that for a minute, Mr. Speaker. These are small businesses. The physician practices that most of us were familiar with back in our communities, I was a physician in my previous life. I am very familiar with this concept. We are small businesses. And year over year, it is not costing us less to keep the lights on in that office. It is not costing us less to hire our employees to be able to provide the services that you want us to provide. It is not costing us less for liability insurance year over year.

Yet Congress in its infinite wisdom says that we should be able to make do with a little bit less in compensation for the Medicare patient year over year. This year that payment reduction was 10.1 percent.

Now, you might say, well, a physician's practice isn't just Medicare patients. There is commercial insurance. There is self-pay. Why are we so concerned about the Medicare aspect? What percentage of a physician's practice will be taken up by Medicare patients? And the answer is, it varies and it depends on different places in the country and what the patient mix is in various places in the country. Arguably, it might be higher in a State like Florida than it would be in a State like Wyoming.

But nevertheless, the other effect of these Medicare compensation, Medicare reimbursement reductions that happen and are scheduled to happen every year for the next 15 or 20 years, the other effect is that every commercial insurance company in this country, almost, not all of them but almost, pegs their rates, pegs what they compensate, the level of what they compensate doctors to the Medicare formula. So they pay a formula such as 110 percent of Medicare usual and customary. Some will pay less than Medicare. But most pay a little bit more, not a generous amount more, but a little bit more than Medicare.

But if Medicare cuts its rates by 10.1 percent, then guess what? The commercial insurance company will be only too happy to reduce their compensation rates by 10.1 percent. And I don't think it was ever the intent of Congress to legislate an improved business plan for America's insurance companies. They are perfectly capable of doing that on their own. They are perfectly capable of going into the physician community and negotiating a lower rate if they need to do that if that is what needs to happen so they can continue to provide the care for the patients, continue to provide the coverage for the patients.

They are perfectly capable of going to the physician community and saying this is what we need to do with the new rate structure; but they kind of get a little gift every Christmas from the United States Congress that says, well, we are going to reduce our Medicare rates if we don't do our work. And guess what? All of you patients who are covered under private insurance, your doctors are going to get paid a little less even though they are going to do exactly the same work on January 3 or 4 that they did on December 27 or 28.

Again, Mr. Speaker, I know I need to confine my remarks to the Chair, and I will keep my remarks confined to the Chair. But it does happen that sometimes people actually do watch C–SPAN this late at night and they do see these discussions, and I have gotten some feedback, Mr. Speaker, when I have put up this poster before. I actually have three posters that delineate the actual payment formula for physicians under the Medicare system. I have only brought one tonight in the interest of time.

And I bring this not to elicit sympathy but I just want people to be understanding and cognizant of just how complicated, how complicated this process is under the actual gyrations that we go through to come up with these physician formulas.

Now, this is actually the first part of what really should be three slides, but I did promise some people that I wouldn't bring all three slides tonight. But the payment for physicians is figured by taking the relative value unit for work, geographical factor, a relative value unit or the cost of inputs, the practice costs which is the subscript P C in the middle parenthesis there, again, the geographic factor that is figured in, and then the relative value unit for liability insurance, and again a geographical factor figured in. Then the whole thing is multiplied by a conversion factor down here, there is a misprint, that should be C F, which is ''conversion factor,'' and the calculation of the conversion factor is every bit as complicated as this first part of the formula

Again, I don't want to lose people with this discussion, but I want you to understand how difficult this is conceptually. As a consequence, Members of Congress on both sides of the aisle,

when you sit down and say, I want to talk to you about how we compensate physicians under the Medicare system, literally their eyes glaze over and roll back in their head because this is simply too hard for many people to think about.

Again I have spared, Mr. Speaker, the House from looking at the other two slides which also are filled with various parts of the formula.

And too, let me, Mr. Speaker, this will give you some idea of how long I have been doing this particular talk, because actually this slide was current this time last year when I was doing this very same discussion. And I need to update, because now we have completed fiscal year 2007, so no longer will 2007 have an asterisk beside it. We actually have the actual figures for that, and the figures for 2008 need to be added on.

□ 2230

This illustrates the problem we have. Now, last year right before the end of Congress, we hadn't quite figured out what we were going to do, so it was projected that doctors would have a little over a 4½ percent payment cut. It turns out that that didn't happen. We actually at the last minute came in and held doctors at what we euphemistically call a zero percent update.

Well, I am here to tell you that anywhere else in Washington, if you come in saying we are going to hold you at level funding, they will say, Wait a minute, the cost of inflation, the cost of doing business has gone up so much, that is actually a cut. Well, that is exactly right, and doctors did receive essentially a cut, but we called it a zero percent update, and we did not score it as a cut, but they were scheduled to get a 4½ percent payment reduction.

This year, if we don't take up the legislation that the Senate just zipped through at the last minute here at the end of the day on Tuesday, if we don't take that up and pass that before we leave town to have Christmas with our families, this negative projection will actually be twice as far, down past the end of the page, because that is a 10.1 percent reduction that doctors are facing this next year.

What happens, Mr. Speaker, is every year that we come in at the last minute with that fix, that money that we come in at the last minute to provide our physicians, guess what? It gets added on to the end of that very complicated formula that I just showed you. So every year that we don't fix the fundamental problem, which is to repeal the sustainable growth rate formula, every year we don't do that, we make the problem harder to solve next year, and at some point we will simply reach the point where it is too hard to solve, it's too expensive to solve, and people will either restructure the formula because it just collapses of its own weight, or just say we are not going to even try to solve it any longer because it is just too hard. It's an odd concept because it's money that has already been spent.

Going back to 2002, when there was a 4.4 percent negative update, and I was in practice then, and that did happen, but the moneys that were paid in the Medicare system in 2002 have already been paid, they have already been spent. So when they say it costs more to repeal the sustainable growth rate formula every year, it's because we are actually going to have to account for that money on our books, but the money has already been spent.

There's not any magic here. We have paid the money to the physicians for that given year. We just haven't quite accounted for it on our books, and that is why there is that additive factor that goes on year after year that kind of makes it impossible to ever dig out of this hole. We certainly won't be able to if we don't ever start, and that is the direction I have tried to take in the last Congress and tried again in this Congress. I wasn't really successful in getting a lot of people to understand the significance of this.

The reality is that as we continue, continue to cut at the compensation rate for physicians in the Medicare program, what happens is more and more physicians say, You know what? I just can't do it anymore. I can't keep the lights on. I can't pay the help. I can't buy my liability insurance and continue to see Medicare patients. And worse than that, there's the pernicious effect of, come on, we are right on top of the end of the year here and we are asking doctors around the country to kind of trust us on this; we are going to fix it.

How do you plan in your business for expansion? How do you plan to take out loans, take capital risks? How do you plan when year over year over year in the Medicare system you have cuts stretching out ahead, and, oh, by the way, commercial insurance is going to follow suit if Congress keeps those cuts intact and keeps them in place, because we don't really have a free market for health care in this country. We have Federal price controls, and it's essentially cloaked in the Medicare program, but, nevertheless, the end result is Federal price controls on medical reimbursement rates for procedures all over the country.

Now, one of the things that really disturbs me about this is it really also is a pernicious effect, a chilling effect on young people who might be thinking about a career in health care. I remember as a young man in high school and college thinking about what a great thing it would be to be a physician, to be worthy to serve the suffering, to serve my fellow man. Yeah, I expected to make some money doing it, but that wasn't the primary reason for going into the field.

But, at the same time, I didn't face the kinds of student loans that the young individual today will face at the end of their 4 years of getting their BA degree, let alone the loans going through medical school, and then they have got to really defer earnings the years that they are in residency. Yes, they are paid something during residency, but nowhere near enough to pay the freight on those lines they have through undergraduate school and through medical school. Basically, we are talking about a person who may spend between 10 and 18 years after high school getting through all of their education and their training.

Well, you think about that. Someone is graduating from high school and 15 years later some of his classmates have already built and sold a business and they are sort of semiretired. You give up. You postpone those active earning years by a decade, a decade and a half, and that is just one of the things that you expect when you take on a career in medicine.

Well, young people are looking at that and saying, You know what? That postponement of my active earning years, and the Federal Government being so injudicious with what it is doing in the Medicare system, and that affecting other areas in the commercial aspect of medicine, maybe that is just something that I shouldn't do. Maybe I will do something else with my life, because that is a little iffy, and I don't really know if I will be able to afford the liability insurance to go into practice.

So we have got to do something to help young people understand that we value, we value their service in becoming a physician or becoming a nurse, that this is something that we in Congress encourage them to do and want them to do. But right now I have got to tell you they look at it and say, I don't know if that is for me.

One of the other things, and this has come up just in the last two weeks here in Congress, is we kind of worked with this concept of what are we going to do to make things right for the doctors before we get to the end of the year. Along comes this bill to require physicians to begin e-prescribing. Well, that is a good concept. Certainly, no one wants to argue with the theory. But it reminds me of an old professor I had in undergraduate school. When he was asked a question too tough for him to answer, he would look you back in the eye and say, Do you want the theory or the application?

This is one of those instances where the theory is pretty good but the application, at least as has been discussed in the last two weeks, the technical term for it would be it stinks, Mr. Speaker, because we want physicians, we want them to come into the 21st century, we want them to use electronic medical records and things like e-prescribing.

Any one of us can cite chapter and verse all of the good things that will come from e-prescribing; yet the number one group that we have got to get to buy into this concept, well, we don't treat them very well when we come at them with legislation, as the legislation that was brought out a couple of

weeks ago over on the Senate side, but it's also been talked about over here on the House side, the so-called carrot-and-stick approach. We'll give you a little something nice now if you do it and, by golly, we are going to make you pay in a couple of years. The carrot-and-stick concept in this case really is more like, I don't know what vegetable I would associate with it, probably something more along the lines of spinach, or if we're talking about the first President Bush, perhaps broccoli. But the other end, the stick, is extremely onerous for physicians who are in practice.

Let me just give you the very quick version of what this legislation, as provided to us, would entail. For doctors who participate in the Medicare system, we are so anxious for them to prescribe in the e-prescribing regimen, we are going to generously provide them an additional 1 percent, a 1 percent upgrade on what we provide in Medicare compensation.

Well, Mr. Speaker, I don't remember exactly what I received for a moderately complex patient return visit. I am going to wage it was not as much as $50. But let's stipulate, because the math is easy, let's stipulate that that is a $50 reimbursement rate from the Medicare system. And a good physician who is practicing careful medicine and doing all the right things they are supposed to do as far as history taking, good careful physical exam, patient education after coming to a diagnosis and a treatment plan, you can probably see that patient in 15 minutes. So four an hour are what we are talking about, and we are talking about a physician generating, not making, but generating $200 in income for that hour they spend in their office seeing those four moderately complex return visit Medicare patients for which the Federal Government pays them the generous sum of $50.

Now, if we add a 1 percent update to that, let's see, each patient, that is about 50 cents. So for that hour's work we are going to add $2 to the compensation for that physician.

E-prescribing takes a little time. It takes some investment. It takes some time to learn. It is not something you can just pick up. It is quicker to scribble down a handwritten note. Now, no one may be able to read it, but nevertheless you have performed that record-keeping requirement, and it is much quicker to scribble down that handwritten note in the treatment plan and write out a prescription and rip it off and hand it to the patient.

The reality is e-prescribing takes some time. It adds time to that patient encounter. It is time that realistically someone should compensate that provider for providing. That would be a fair assessment.

Now, what do we do if, after three or four years' time, the doctors just haven't cottoned to this idea that we are going to pay them an extra 50 cents per patient on average to do this work for us? Well, then we come in with the stick phenomenon, and that will be a 10 percent reduction on that patient's services. So here we have gone from a $2 increase for those four patients for that hour's work, or, perhaps if the doctor hasn't done it, then that will be a $20 fine for those patients for that hour's work.

Once again, our physician community is going to look at that and say, No, thank you. I don't think I will participate in that. You can keep your Medicare patients and you can keep your e-prescribing and I will go off and do something else, and the patient is the one that suffers.

But it is a good concept. It is a good concept, and it is worthy of Congress spending the time, and it is worthy of Congress providing the proper compensation for physicians who are willing to invest in this technology.

Right now, the bill as rolled out would provide $2,000 to buy the equipment. It probably costs $25,000 in reality. Even if you gave it to a physician's practice free, there is still going to be ongoing costs of the maintenance of the software, the ongoing costs of educating the physicians in that particular practice, and it takes longer to fill out that electronic medical record and to fill out that form for e-prescribing than what the doctors historically are used to in an old paper system. But we have decided that is not a value and we are not going to pay for that.

Now, some people think that this is such a good idea because they are, in fact, going to make a significant amount of money. Certainly the people that sell the software are likely to make a significant amount of money. Certainly the pharmacy benefit managers, the big pharmaceutical mail-order houses, they are likely to reap some benefits from this.

But for whatever reason, all of this good stuff that is going to come from e-prescribing, no one is really thinking that it is worthwhile to share that with the physician. But the physician is the one we want to buy into this new system. And it is a new system. It is a new way of learning and it is a new way doing things.

Now, indeed, if nothing happens, younger physicians, as they go through their training, they will be exposed more and more to electronic prescribing and electronic medical records. There will come a time in probably the not-too-distant future where this evolution will just take place on its own. But the bill that was rolled out a couple of weeks ago was an effort to make it happen a little faster, to get some of those good benefits from e-prescribing, and they are significant, to get some of those good benefits out there and established early.

Again, it is going to make a significant amount of money for some people who will be involved in this. But again, for whatever reason, the Federal Government does not see value in allowing the practitioner, the physician, to participate in that distribution of all of that value that we are going to derive from this system.

Now, I don't mean to give the impression that I don't believe in e-prescribing and electronic medical records. Let me just go with one last poster, Mr. Speaker, and then we will wrap this up for tonight.

I haven't always been a big believer in electronic medical records. Again, I have tried a couple of different systems in my time in private practice and I didn't find them all that intuitive or user friendly, but this is the day I became a believer in electronic medical records.

This is the basement of Charity Hospital in New Orleans. Charity Hospital, one of the venerable teaching institutions in this country. Many of the professors I had at Parkland Hospital in the 1970s actually did their training in this very building at Charity Hospital.

Charity Hospital in 2005, August of 2005, was ground zero for the strongest hurricane probably to ever hit the continental United States in anyone's memory. And the flooding that followed that hurricane obviously dealt a severe blow to infrastructure all over the City of New Orleans, and the basement of Charity Hospital was, in fact, underwater for a significant amount of time. So all of these records were submerged.

This photograph was taken in probably October of 2005. So 2 months after the hurricane, a month, maybe 5 weeks after the city was dewatered, that is a verb I learned from the United States Corps of Engineers, I didn't know it was a verb before they used it, but the city was dewatered.

Here the medical records sit. Now we have black mold growing on the manila folders. Probably the ink on many of these records was actually just washed off in the flooding. Who knows? It wouldn't be safe to have anyone go in there and look at those records, because look the at the mold spoors that are ready to be blown off in a big cloud waiting to be inhaled by a pair of unsuspecting lungs and cause great damage.

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So these medical records are in fact lost forever. And who knows what is in there, someone waiting for a kidney transplant, someone's hypertension that has been under treatment for two decades; someone's diabetes that was carefully monitored but not so much anymore. All of these records have been lost forever.

Electronic medical records and medical records that are then controlled in an electronic fashion in a secure fashion up on the Internet where they can be accessed, all of these patients that had to leave the city. Many came to the Metroplex area in north Texas, and many of them were cared for by physicians at Parkland Hospital, John Peter Smith Hospital, and private physicians

in the area. None of their medical records were available, and many of these patients had very complex medical conditions and were on multiple medications at the time. And if it had not been for the good graces for some of the pharmacies that actually had patient records electronically that were able to set up outside some of the triage centers to provide that data to physicians who agreed to see these patients as they came off of the transportation from New Orleans and arrived in Dallas, you can construct a pretty good medical history just going to the pharmaceutical history, and those pharmacy records were invaluable in providing good care and immediate care to those patients.

But it certainly made a believer out of me in January, or when this picture was made after the flooding in New Orleans that paper records have inherently within them a fundamental flaw, and that is, in time of great natural disaster they are not going to be there to provide useful information for those patients if they are suddenly displaced, as these patients were, the medical records themselves. They could have been destroyed in a fire, they could have been damaged in an earthquake in some other parts of the country. And, unfortunately, these types of tragedies do happen, and electronic medical records does take some aspect of that tragedy away because it does provide a way for that record to be accessed in a different location, and all of that data can be pulled off the Internet and be made available to the now receiving physician who is treating that patient.

Mr. Speaker, a little preventive medicine would go a long way in this entire Medicare policy debate. I just can't help but note the irony: November 1, when the Center for Medicare and Medicaid Services came out and said, Doctor, 10.1 percent cut, unless Congress does something before the end of the year. About that same time, the conference Chair on the majority side had an op-ed in The Washington Post that said, you know what, we have done such a good job with providing government health care and Medicare and we are doing a great job now with what we are doing in SCHIP. We know how that has turned out so far. We want to extend Medicare benefits to people who are down to the age of 55. We want to drag and drop this population into what is happening in the Medicare policies right now.

I would just argue, before we expand the program to that degree, shouldn't we ask ourselves are we doing a good job with what we have right now.

I think the mere fact that we are here at the 11th hour of this Congress and we have not dealt with the problem of physician compensation, doctors' offices across the country are looking at Congress and saying, what gives, guys? How am I going to prepare for next year? Do I hire that new doctor or not? Do I buy that piece of medical equipment or not? Do I take out a loan to improve my office or not? Because they don't have any certitude about what the activity of this body is going to be. And even at the best, the best we can do at this point is say we are going to punt for 6 months, and we will see you in June.

Mr. Speaker, that is not acceptable. This Congress has an obligation to this country's physicians to behave in a responsible way. And certainly, certainly let's quell the talk of expanding the reach and grasp of the Federal Government until we take care of what we already have.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today until 2 p.m.

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for December 17 and the balance of the week on account of official business.

Mr. PASTOR (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and December 12 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KENNEDY) to revise and extend their remarks and include extraneous material:)

Mr. BUTTERFIELD, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. KENNEDY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY, for 5 minutes, today and December 19.

Mr. KING of Iowa, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material):

Ms. KAPTUR, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

ENROLLED BILLS SIGNED

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

H.R. 6. An act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

H.R. 797. An act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the ''Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic''.

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''.

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

SENATE ENROLLED BILLS SIGNED

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

S. 597. An act to amend title 39, United States code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''.

S. 2484. An act to rename the National institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

S.J. Res. 13. Granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4702. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Eligibility of Chile to Export Poultry and Poultry Products to the United States [Docket No. FSIS-2007-0024] (RIN: 0583-AD25) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4703. A letter from the Comptroller, Department of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the UH/HH-60M and the MH-60S multiyear program, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

4704. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John M. Brown III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4705. A letter from the Director, Office of Legislative Affairs, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Affiliate Marketing Regulations [Docket ID. OCC-2007-0010] (RIN: 1557-AC88) received November 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4706. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; General Hospital and Personal Use Devices; Classification of Remote Medication Management System [Docket No. 2007N-0328] received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4707. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Revision of Refrigerant Recovery and Recycling Equipment Standards [EPA-HQ-OAR-2006-5065; FRL-8493-5] (RIN: 2060-A032) received November 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4708. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Centre County (State College) 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0533; FRL-8494-2] received November 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4709. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 16-07 informing of an intent to sign Amendment Number One to the Joint Strike Fighter (FSF) Initial Operational Test and Evaluation (IOT&E) Memorandum of Understanding (MOU) between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4710. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the status of consular training with respect to travel or identity documents, pursuant to Section 7201(d) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Foreign Affairs.

4711. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4712. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-21, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

4713. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-7, Waiver of Reimbursement Under the U.N. Participation Act to Support UNAMID Efforts in Darfur; to the Committee on Foreign Affairs.

4714. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2007, pursuant to 31 U.S.C. 331(e)(1); to the Committee on Oversight and Government Reform.

4715. A letter from the Archivist, National Archives and Records Administration, transmitting the Administration's FY 2006 and FY 2007 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Oversight and Government Reform.

4716. A letter from the Director, Office of Personnel Management, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Office's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4717. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's final rule — Electioneering Communications [Notice 2007-26] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4718. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Indian Oil Valuation (RIN: 1010-AD00) received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4719. A letter from the Administrator, Environmental Protection Agency, transmitting a legislative proposal to implement an important new treaty for the protection of the world's oceans from ocean dumping; to the Committee on Transportation and Infrastructure.

4720. A letter from the Under Secretary for Science, Department of Energy, transmitting the Department's report on issues related to energy and water supplies pursuant to Section 979 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

4721. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 9 Tax Shelters: The Disclosure Regime [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4722. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 6 Partnership Allocations [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4723. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 5 Loss Limitations [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4724. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 4 Distributions [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4725. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 3 Contributions of Property with Built-in Gain or Loss IRC Section 704(c) [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4726. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper Biotech and Pharmaceutical Industries Non Refundable Upfront Fees, Technology Access Fees, Milestone Payments, Royalties and Deferred Income under a Collaboration Agreement [LMSB-04-1007-073 UIL 263.13-02] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4727. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Action on Decision SUBJECT: United States v. Roxworthy, 457 F.3d 590 (6th Cir. 2006), rev'g No. 04-MC-18-C (W.D. Ky. Apr. 4, 2005) [IRB No: 2007-40] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4728. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Proposed Changes to the Process for Obtaining the Commissioner's Consent to Change a Method of Accounting [Notice 2007-88] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4729. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2008-6 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from June 18, 2007 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

4730. A letter from the Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for the enclosed list of countries, pursuant to Public Law 109-102; jointly to the Committees on Foreign Affairs and Appropriations.

4731. A letter from the Director, Office of Personnel Management, transmitting notification of an approved proposal for a personnel management demonstration project within the Office of Federal Student Financial Aid (FSA), pursuant to 5 U.S.C. 4703(b)(4)(B); jointly to the Committees on Oversight and Government Reform and Education and Labor.

4732. A letter from the Director, Office of Personnel Management, transmitting notification of an approved plan for a personnel management demonstration project at the Department of Energy's National Nuclear Security Adminstration, pursuant to 5 U.S.C. 4703(b)(6); jointly to the Committees on Oversight and Government Reform and Energy and Commerce.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1834. A bill to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration; with an amendment (Rept. 110–311, Pt. 2). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Armed Services discharged from further consideration. H.R. 1834 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

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

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 15, 2008.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SMITH of Texas (for himself, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CONAWAY, Mr. CUELLAR, Mr. CULBERSON, Mr. DOGGETT, Mr. EDWARDS, Mr. GOHMERT, Mr. GONZALEZ, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. LAMPSON, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PAUL, Mr. POE, Mr. REYES, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. THORNBERRY, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SAM JOHNSON of Texas):

H.R. 4774. A bill to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the ''Cyndi Taylor Krier Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. DEFAZIO (for himself, Mr. GEORGE MILLER of California, Mr. FARR, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. MCGOVERN, Mr. KUCINICH, Mr. MORAN of Virginia, Mr. COHEN, and Mr. SERRANO):

H.R. 4775. A bill to prohibit the manufacture, processing, possession, or distribution in commerce of the poison sodium fluoroacetate (known as ''Compound 1080''), to provide for the collection and destruction of remaining stocks of Compound 1080, to compensate persons who turn in Compound 1080 to the Secretary of Agriculture for destruction, to prohibit the use of certain predator control devices by the federal government, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself and Ms. CLARKE):

H.R. 4776. A bill to establish programs to provide counseling to homebuyers regarding voluntary home inspections and to train counselors to provide such counseling, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ:

H.R. 4777. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ:

H.R. 4778. A bill to amend title XVIII of the Social Security Act to exempt negative pressure wound therapy pumps and related supplies and accessories from the Medicare competitive acquisition program until the clinical comparability of such products can be validated; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 4779. A bill to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''; to the Committee on the Judiciary.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 4780. A bill to enact title 51, United States Code, ''National and Commercial Space Programs'', as positive law; to the Committee on the Judiciary.

By Mr. BROUN of Georgia (for himself, Mr. PITTS, Mr. KINGSTON, Mr. SHADEGG, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. GINGREY, Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, Ms. FOXX, Mr. CONAWAY, Mr. WOLF, Mr. DEAL of Georgia, Mr. LINDER, Mr. WELDON of Florida, Mr. FEENEY, Mrs. MUSGRAVE, Mr. GOODLATTE, Mr. ISSA, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. HERGER, Mr. WAMP, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. BRADY of Texas, Mr. FORTUÑO, Mr. WALBERG, Mr. DOOLITTLE, Mr. KUHL of New York, Mr. GOHMERT, Mr. PENCE, Mr. SALI, Mr. KING of Iowa, Mr. BARRETT of South Carolina, Mr. ROSKAM, and Mr. PRICE of Georgia):

H.R. 4781. A bill to prohibit the Secretary of Veterans Affairs from authorizing honor guards to participate in funerals of veterans interred in national cemeteries unless the honor guards agree to offer veterans' families the option of having the honor guard perform a 13-fold flag recitation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WU:

H.R. 4782. A bill to suspend temporarily the duty on tilting arbor table saws with motors of an output equal to or greater than 3357 watts and less than 4103 watts and with contact detection and reaction systems; to the Committee on Ways and Means.

By Mr. WU:

H.R. 4783. A bill to suspend temporarily the duty on tilting arbor table saws with motors of an output equal to or greater than 1865 watts and less than 2611 watts and with contact detection and reaction systems; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4784. A bill to extend the reduction of duty on Bifenthrin; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4785. A bill to suspend temporarily the duty on Clomazone; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4786. A bill to suspend temporarily the duty on Cyazofamid; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4787. A bill to suspend temporarily the duty on Flonicamid; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 4788. A bill to address emergency shortages in food banks; to the Committee on Agriculture.

By Mr. BERMAN (for himself, Mr. ISSA, Mr. CONYERS, Mr. SHADEGG, Ms. HARMAN, and Mrs. BLACKBURN):

H.R. 4789. A bill to provide parity in radio performance rights under title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

By Ms. CASTOR:

H.R. 4790. A bill to amend title XVIII of the Social Security Act to provide for standardized marketing requirements under the Medicare Advantage Program and the Medicare Prescription Drug Program and to provide for State certification prior to waiver of licensure requirements under the Medicare Prescription Drug Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. TOWNS, and Mr. WAXMAN):

H.R. 4791. A bill to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COBLE:

H.R. 4792. A bill to extend the suspension of duty on pyroxystrobin; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4793. A bill to extend the suspension of duty on cyprodinil; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4794. A bill to extend the suspension of duty on difenoconazole; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4795. A bill to extend the suspension of duty on mixtures of difenoconazole and mefenoxam; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4796. A bill to extend the suspension of duty on formulations of Thiamethoxam, Difenoconazole, Fludioxonil, and Mefenoxam; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4797. A bill to extend the suspension of duty on mixtures of cyhalothrin and application adjuvants; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4798. A bill to extend the suspension of duty on mucochloric acid; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4799. A bill to extend the suspension of duty on mixtures of mefenoxam, fludioxonil, and cymoxanil with application adjuvants; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4800. A bill to extend the duty suspension on S-[(5-Methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl)methyl]- O,O-dimethyl phosphorodithioate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4801. A bill to extend the duty suspension on 4-(Cyclopropyl- -hydroxymethylene)-3,5-dioxocylohexanecarboxylic acid, ethyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4802. A bill to suspend temporarily the duty on Flumetralin Technical - 2-chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)phenyl]-N-ethyl- -fluorobenzenemethanamine; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4803. A bill to suspend temporarily the duty on DCDNBTF Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoroethyl)-; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4804. A bill to suspend temporarily the duty on 4-Chloro-3.5 Dinitrobenzotrifluoride: Benzene, 2-chloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4805. A bill to suspend temporarily the duty on 2-Chloro-6-Fluorobenzyl Chloride: Benzene, 2, 4-dichloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Ways and Means.

By Ms. HARMAN (for herself, Mrs. LOWEY, Mr. LANGEVIN, Mr. MARKEY, Mrs. CHRISTENSEN, Mr. PERLMUTTER, Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. DICKS, Mr. CARNEY, Ms. CLARKE, Ms. JACKSON-LEE of Texas, and Mr. ETHERIDGE):

H.R. 4806. A bill to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes; to the Committee on Homeland Security.

By Ms. HERSETH SANDLIN (for herself, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. ROSS, Ms. BALDWIN, Mr. SERRANO, Mr. TIERNEY, Mr. NADLER, Mr. FILNER, Mr. MICHAUD, Ms. SOLIS, Mr. CUMMINGS, Ms. LINDA T. SÁNCHEZ of California, Mr. GRIJALVA, Ms. SLAUGHTER, Ms. SUTTON, and Mr. HARE):

H.R. 4807. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF:

H.R. 4808. A bill to extend the temporary suspension of duty on EPDC; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4809. A bill to extend the temporary suspension of duty on Fipronil; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4810. A bill to extend the temporary suspension of duty on mixtures of 2-amino-2,3-dimethylbutanenitrile and toluene; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4811. A bill to extend the suspension of duty on 2,3-quinoline dicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4812. A bill to extend the temporary suspension of duty on 3-Pentanone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4813. A bill to extend the temporary suspension of duty on methyoxyacetic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4814. A bill to extend the temporary suspension of duty on 3,5-Difluroraniline; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4815. A bill to extend the temporary suspension of duty on Quinolinic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4816. A bill to suspend temporarily the duty on Benzeneacetic acid, -amino-4-chloro; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4817. A bill to extend the temporary suspension of duty on Ethoxyquin; to the Committee on Ways and Means.

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

H.R. 4818. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. LAHOOD:

H.R. 4819. A bill to extend the temporary suspension of duty on 2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4820. A bill to extend the temporary suspension of duty on N-[[(4,6-dimethoxypyrimidin-2-yl)amino]carbonyl]-3-(ethylsul onyl)-2-pyridinesulfonamide and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4821. A bill to extend the temporary suspension of duty on 2-amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4822. A bill to extend and modify the temporary suspension of duty on Carfentrazone; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4823. A bill to extend and modify the temporary reduction of duty on Sulfentrazone; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4824. A bill to extend the temporary suspension of duty on 3-(Ethylsulfonyl)-2-pyridinesulfonamide; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4825. A bill to extend the temporary suspension of duty on carbamic acid; to the Committee on Ways and Means.

By Mr. MEEKS of New York (for himself, Mr. ACKERMAN, Ms. CLARKE, Mr. HINCHEY, Mr. TOWNS, Mr. BISHOP of New York, Mrs. MALONEY of New York, Mr. JEFFERSON, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Ms. VELÁZQUEZ, Mr. SERRANO, Mrs. LOWEY, Mr. MCHUGH, Mr. MCNULTY, Mr. CROWLEY, Mr. NADLER, Mr. HIGGINS, Mr. RUSH, Mr. KUHL of New York, Mr. RANGEL, Mr. FOSSELLA, Mr. WEINER, and Mr. ENGEL):

H.R. 4826. A bill to designate the facility of the United States Postal Service located at 88-40 164th Street in Jamaica, New York, as the ''Clarence L. Irving, Sr., Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MOLLOHAN:

H.R. 4827. A bill to extend Corridor O of the Appalachian Development Highway System from its current southern terminus at I-68 near Cumberland to Corridor II, which stretches from Weston, West Virginia, to Strasburg, Virginia; to the Committee on Transportation and Infrastructure.

By Mr. ORTIZ:

H.R. 4828. A bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes; to the Committee on Natural Resources.

By Mr. PAUL:

H.R. 4829. A bill to authorize the Secretary of the Army to convey the surface estate of the San Jacinto Disposal Area to the city of Galveston, Texas; to the Committee on Transportation and Infrastructure.

By Mr. ROSS:

H.R. 4830. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus temporary housing units stored by the Federal Government across the Nation at taxpayer expense; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself and Ms. BEAN):

H.R. 4831. A bill to extend the temporary duty reductions and suspensions on certain wool products, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 4832. A bill to promote wildland firefighter safety; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mrs. WILSON of New Mexico, and Mr. PEARCE):

H.R. 4833. A bill to require the Secretary of the Treasury to mint coins in commemoration of the quadricentennial of the City of Santa Fe, New Mexico; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 4834. A bill to award a congressional gold medal to Ossie Davis in recognition of his many contributions to the Nation; to the Committee on Financial Services.

By Mr. INSLEE (for himself and Mr. REICHERT):

H.R. 4835. A bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself and Mr. WYNN):

H.R. 4836. A bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of

National Diabetes Coordinator; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Agriculture, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia:

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of years Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. OBEY:

H.J. Res. 72. A joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes; to the Committee on Appropriations.

By Mr. SHERMAN:

H.J. Res. 73. A joint resolution proposing an amendment to the Constitution of the United States relating to the process by which the House of Representatives chooses the President of the United States in the event no candidate receives a majority of the electoral votes; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself and Mr. MCCAUL of Texas):

H. Con. Res. 272. Concurrent resolution urging the United States Government to initiate a diplomatic surge to foster security and stability in the Middle East by engaging international stakeholders and governments throughout the region to curtail destabilizing influences, help prevent the spread of violence, address humanitarian concerns, and enhance prospects for security, political, and economic progress in Iraq; to the Committee on Foreign Affairs.

By Mr. BACA:

H. Res. 883. A resolution honoring the heroic service and sacrifice of the 350 American soldiers detained at the Nazi camp at Berga during World War II; to the Committee on Armed Services.

By Mr. RANGEL:

H. Res. 884. A resolution providing for the concurrence by the House in the Senate amendments to H.R. 3997, with an amendment; to the Committee on Education and Labor. considered and agreed to.

By Mr. PUTNAM:

H. Res. 885. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. LAMBORN (for himself, Mr. PERLMUTTER, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. SALAZAR, Mr. TANCREDO, and Mr. UDALL of Colorado):

H. Res. 886. A resolution expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado; to the Committee on Oversight and Government Reform.

By Mr. JONES of North Carolina (for himself, Ms. BORDALLO, Mr. GOODE, Mr. BISHOP of Georgia, Mr. COBLE, Mr. MURTHA, Mr. MCDERMOTT, and Mr. WILSON of South Carolina):

H. Res. 887. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in remembrance of the victims and in honor of the veterans of the peacekeeping mission in Beirut, Lebanon, from 1982 to 1984; to the Committee on Oversight and Government Reform.

By Mr. FORBES (for himself, Mr. MCINTYRE, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. CULBERSON, Mr. DOOLITTLE, Mr. FEENEY, Mr. GINGREY, Mr. GOHMERT, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. JONES of North Carolina, Mr. MCHENRY, Mrs. MUSGRAVE, Mr. PEARCE, Mr. PENCE, Mr. PITTS, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, Mr. WALBERG, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. YOUNG of Florida):

H. Res. 888. A resolution affirming the rich spiritual and religious history of our Nation's founding and subsequent history and expressing support for designation of the first week in May as ''American Religious History Week'' for the appreciation of and education on America's history of religious faith; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. DELAHUNT, Mr. ACKERMAN, Mr. POE, and Mr. COHEN):

H. Res. 889. A resolution condemning the December 11, 2007, terrorist bombings on the people of Algeria and United Nations personnel, and expressing sympathy to the victims of these terrorist attacks; to the Committee on Foreign Affairs.

By Mr. REHBERG:

H. Res. 890. A resolution congratulating the Carroll College Fighting Saints football team for winning the 2007 NAIA National Championship; to the Committee on Education and Labor.

By Mr. UDALL of Colorado (for himself and Mr. REGULA):

H. Res. 891. A resolution celebrating 35 years of space-based observations of the Earth by the Landsat spacecraft and looking forward to sustaining the longest unbroken record of civil Earth observations of the land; to the Committee on Science and Technology.

By Mr. WILSON of Ohio:

H. Res. 892. A resolution expressing support for designation of March 11, 2008, as ''National Funeral Director and Mortician Recognition Day''; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

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

H.R. 154: Mr. FILNER.
H.R. 181: Mr. KUCINICH.
H.R. 241: Mr. KELLER.
H.R. 333: Mr. COSTELLO.
H.R. 388: Mr. GRIJALVA.
H.R. 457: Mr. TERRY.
H.R. 460: Ms. LEE.
H.R. 463: Mr. SESTAK.
H.R. 471: Mr. GOODE and Ms. ZOE LOFGREN of California.
H.R. 549: Ms. LINDA T. SÁNCHEZ of California.
H.R. 552: Mr. HONDA, Mrs. TAUSCHER, and Mr. REYNOLDS.
H.R. 594: Mr. COURTNEY.
H.R. 621: Mr. ALEXANDER.
H.R. 699: Mr. FRELINGHUYSEN.
H.R. 860: Mr. STARK.
H.R. 882: Mr. KIRK and Mr. NUNES.
H.R. 891: Mrs. GILLIBRAND, Mr. PATRICK MURPHY of Pennsylvania, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mrs. BONO, Mr. HARE, Mr. WYNN, Mr. CHANDLER, Mr. ISRAEL, Mr. INSLEE, and Mr. KIRK.
H.R. 962: Mr. FILNER.
H.R. 1000: Mr. WU, Mr. GONZALEZ, Mr. THOMPSON of Mississippi, Mr. WHITFIELD of Kentucky, Mr. EMANUEL, Mr. UDALL of New Mexico, Mr. GENE GREEN of Texas, Mr. COSTA, and Ms. BALDWIN.
H.R. 1084: Mr. BOUCHER, Mrs. BOYDA of Kansas, Mr. MCDERMOTT, and Mr. COHEN.
H.R. 1103: Mr. STARK.
H.R. 1193: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CALVERT, Ms. ROYBAL-ALLARD, and Mr. PLATTS.
H.R. 1201: Mr. GOHMERT.
H.R. 1237: Mr. STUPAK, Ms. GINNY BROWN-WAITE of Florida, and Mr. BERMAN.
H.R. 1244: Mr. DELAHUNT.
H.R. 1343: Mr. FORTUÑO.
H.R. 1357: Mr. GOHMERT.
H.R. 1360: Mr. PICKERING.
H.R. 1363: Mr. WEINER.
H.R. 1386: Mr. ALEXANDER.
H.R. 1394: Mr. CLAY.
H.R. 1440: Mr. CALVERT.
H.R. 1497: Mr. STUPAK.
H.R. 1540: Ms. DELAURO.
H.R. 1542: Mr. WEINER.
H.R. 1609: Mr. CONYERS and Ms. TSONGAS.
H.R. 1671: Mr. SIRES, Mr. EMANUEL, Ms. CORRINE BROWN of Florida, Mr. SPRATT, and Ms. BERKLEY.
H.R. 1673: Mr. COHEN, Mr. WEINER, and Mr. ALEXANDER.
H.R. 1746: Mrs. MALONEY of New York.
H.R. 1747: Mr. DAVIS of Illinois.
H.R. 1791: Mr. ALEXANDER.
H.R. 1843: Ms. BERKLEY.
H.R. 1884: Mr. KIRK.
H.R. 1937: Mr. MOORE of Kansas.
H.R. 1968: Mr. WEINER.
H.R. 1983: Mr. CARNAHAN and Mr. BLUMENAUER.
H.R. 2040: Mr. SCOTT of Georgia, Mr. SNYDER, Mr. SAXTON, Mr. SHUSTER, Mr. WOLF, Mr. JONES of North Carolina, Mr. MORAN of Kansas, Mr. RAMSTAD, and Mr. BARTLETT of Maryland.
H.R. 2064: Mr. HINCHEY and Mr. KENNEDY.
H.R. 2091: Mr. MCCOTTER and Mrs. BOYDA of Kansas.
H.R. 2117: Mr. ROHRABACHER.
H.R. 2122: Ms. WATSON, Mr. MCCOTTER, Mr. HONDA, and Mr. SESTAK.
H.R. 2214: Mr. HONDA.
H.R. 2265: Mr. UDALL of Colorado.
H.R. 2290: Mr. JEFFERSON and Mr. BAKER.
H.R. 2303: Mr. ALEXANDER.
H.R. 2327: Mr. SHERMAN.
H.R. 2332: Mr. MARCHANT and Mr. GOHMERT.
H.R. 2353: Mr. MCCAUL of Texas, Mr. WELCH of Vermont, Mr. HONDA, Ms. DELAURO, Mr. SESTAK, and Mrs. MALONEY of New York.
H.R. 2452: Mr. COHEN.
H.R. 2470: Mr. CRAMER, Mr. GUTIERREZ, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, Mr. WEINER, Mr. BRADY of Pennsylvania, Mr. MOLLOHAN, Mr. KING of New York, Mr. LATOURETTE, Mr. MURTHA, and Mr. BAIRD.
H.R. 2550: Mr. CHABOT and Mr. PETRI.
H.R. 2583: Mr. MCCOTTER.
H.R. 2585: Mr. MCCOTTER.
H.R. 2668: Mr. UDALL of Colorado.
H.R. 2694: Mr. MOORE of Kansas and Mr. HONDA.
H.R. 2702: Mr. HALL of New York.
H.R. 2742: Mr. BAIRD.
H.R. 2964: Mr. MILLER of North Carolina, Mr. ROTHMAN, and Mrs. GILLIBRAND.
H.R. 3014: Mr. GEORGE MILLER of California and Ms. ZOE LOFGREN of California.
H.R. 3025: Ms. CASTOR and Mr. BLUMENAUER.
H.R. 3033: Mr. WEINER.
H.R. 3090; Mr. ALTMIRE.
H.R. 3109: Mr. REICHERT.
H.R. 3114: Mr. MARKEY.
H.R. 3133: Mr. MCNERNEY.
H.R. 3182: Mrs. EMERSON.
H.R. 3213: Mr. ALEXANDER.
H.R. 3298: Mr. SMITH of Washington, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DELAHUNT.
H.R. 3314: Mr. PASCRELL, Mr. LEWIS of Georgia, and Ms. BEAN.
H.R. 3327: Mr. HINCHEY.
H.R. 3334: Mr. STARK and Mr. MORAN of Virginia.

H.R. 3357: Mr. SESTAK.
H.R. 3360: Mr. HODES.
H.R. 3372: Mr. FATTAH.
H.R. 3404: Mr. FILNER.
H.R. 3409: Mr. BLUMENAUER.
H.R. 3418: Mr. SESTAK.
H.R. 3426: Mr. CRAMER.
H.R. 3434: Mr. DEAL of Georgia, Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. LINDER, and Mr. WALSH of New York.
H.R. 3514: Ms. SLAUGHTER, Mr. FILNER, Mr. GORDON, Ms. SCHWARTZ, Mr. HONDA, and Ms. BERKLEY.
H.R. 3533: Mr. LANGEVIN, Mr. CARNAHAN, Mr. PEARCE, and Mr. BOREN.
H.R. 3612: Mr. FORBES.
H.R. 3634; Mr. WALSH of New York.
H.R. 3636: Mr. WEINER.
H.R. 3637: Ms. ZOE LOFGREN of California.
H.R. 3646: Mr. COHEN and Mr. ENGLISH of Pennsylvania.
H.R. 3647: Mr. ALTMIRE.
H.R. 3663: Mr. MILLER of North Carolina, Ms. CORRINE BROWN of Florida, Mr. ELLISON, Mr. LANTOS, Mr. OBERSTAR, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Mr. SMITH of New Jersey, Mr. SMITH of Washington, and Ms. CLARKE.
H.R. 3697: Mrs. CAPPS.
H.R. 3700: Mr. WYNN.
H.R. 3750: Mr. ORTIZ.
H.R. 3753: Mr. SMITH of Texas.
H.R. 3770: Ms. BERKLEY and Mr. HERGER.
H.R. 3793: Mr. POE and Mr. MOORE of Kansas.
H.R. 3818: Mr. BILBRAY.
H.R. 3834: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3842: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3896: Mr. FRANK of Massachusetts, Mr. BLUMENAUER, and Mr. MCDERMOTT.
H.R. 3905: Mr. VAN HOLLEN, Mr. HOLT, Mr. KIND, and Mr. WEINER.
H.R. 3981: Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mr. CLEAVER, and Mrs. GILLIBRAND.
H.R. 3989: Mr. WALSH of New York.
H.R. 3990: Ms. WOOLSEY.
H.R. 4001: Mr. MATHESON and Mr. ALEXANDER.
H.R. 4008: Mr. ALTMIRE and Mr. SOUDER.
H.R. 4014: Mr. PASTOR, Mr. CUELLAR, Ms. HERSETH SANDLIN, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. KILDEE, Mr. LANTOS, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. SOLIS, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Ms. HARMAN, Ms. BALDWIN, Ms. DELAURO, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BRALEY of Iowa, Mr. REYES, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, Mr. SIRES, Mr. SERRANO, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Ms. LEE, Ms. CLARKE, Mr. SALAZAR, Mrs. LOWEY, and Ms. WATSON.
H.R. 4015: Mr. PASTOR, Mr. CUELLAR, Ms. HERSETH SANDLIN, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. KILDEE, Mr. LANTOS, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. SOLIS, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Ms. HARMAN, Ms. BALDWIN, Ms. DELAURO, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BRALEY of Iowa, Mr. REYES, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, Mr. SIRES, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Ms. LEE, Ms. CLARKE, Mr. SALAZAR, Mrs. LOWEY, and Ms. WATSON.
H.R. 4016; Mr. PASTOR, Mr. CUELLAR, Ms. HERSETH SANDLIN, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. KILDEE, Mr. LANTOS, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. SOLIS, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Ms. HARMAN, Ms. BALDWIN, Ms. DELAURO, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BRALEY of Iowa, Mr. REYES, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, Mr. SIRES, Mr. SERRANO, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Ms. LEE, Ms. CLARKE, Mrs. LOWEY, and Ms. WATSON.
H.R. 4040: Mr. MURPHY of Connecticut, Ms. BEAN, Mr. CUMMINGS, and Ms. SCHAKOWSKY.
H.R. 4052: Mr. MICHAUD.
H.R. 4054: Mr. EMANUEL.
H.R. 4061: Mr. LINDER, Mr. VAN HOLLEN, Mr. WESTMORELAND, Mr. PATRICK MURPHY of Pennsylvania, and Mr. LANTOS.
H.R. 4063: Ms. ZOE LOFGREN of California.
H.R. 4105: Mr. ROHRABACHER, Mr. MCHUGH, and Ms. SLAUGHTER.
H.R. 4137: Mr. LOEBSACK, Mr. SHERMAN, Mrs. NAPOLITANO, and Mr. CROWLEY.
H.R. 4171: Mr. WOLF.
H.R. 4174: Mr. HINCHEY.
H.R. 4176: Mr. LEWIS of California.
H.R. 4181: Mr. FRANKS of Arizona.
H.R. 4226: Mr. EHLERS.
H.R. 4244: Mr. COHEN, Mr. PETERSON of Minnesota, and Mr. BLUMENAUER.
H.R. 4264: Mr. KLEIN of Florida, Mr. CARNEY, and Mr. KELLER.
H.R. 4266: Mr. LOBIONDO.
H.R. 4280: Ms. ZOE LOFGREN of California.
H.R. 4297: Mr. GERLACH.
H.R. 4301: Mr. STARK, Mr. LEWIS of Georgia, and Mr. MORAN of Virginia.
H.R. 4318: Mr. WESTMORELAND.
H.R. 4332: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4464: Mr. LAMBORN, Mr. BARRETT of South Carolina, and Mr. JORDAN.
H.R. 4544: Mr. RENZI, Ms. BERKLEY, Mr. ALEXANDER, Mr. BERMAN, Mr. DELAHUNT, Mr. MELANCON, and Mr. ROSS.
H.R. 4545: Mr. AL GREEN of Texas.
H.R. 4577: Ms. FALLIN.
H.R. 4627: Mr. FEENEY.
H.J. Res. 6: Mr. ALTMIRE.
H.J. Res. 14: Mrs. DAVIS of California.
H.J. Res. 64: Mrs. DAVIS of California, Mr. GUTIERREZ, Mr. DEFAZIO, and Mr. FRANK of Massachusetts.
H. Con. Res. 154: Mr. MILLER of Florida.
H. Con. Res. 214: Mr. CLAY.
H. Con. Res. 227: Mr. MORAN of Virginia and Mr. HONDA.
H. Con. Res. 244: Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Mr. LARSEN of Washington, and Mr. CALVERT.
H. Con. Res. 266: Mr. HASTINGS of Florida.
H. Con. Res. 267: Mr. GUTIERREZ, Mr. BRALEY of Iowa, Mr. TANNER, Mr. PETERSON of Minnesota, Mr. COHEN, Mr. DAVIS of Alabama, and Mrs. BLACKBURN.
H. Res. 111: Mr. CANTOR, Mr. KAGEN, Mr. COHEN, Mrs. LOWEY, Mr. FORBES, and Ms. BALDWIN.
H. Res. 556: Mr. SHUSTER.
H. Res. 618: Mr. HOLT.
H. Res. 653: Mr. MCGOVERN, Ms. WOOLSEY, Mr. FILNER, and Mr. ELLISON.
H. Res. 700: Mr. BARRETT of South Carolina.
H. Res. 713: Mr. MILLER of North Carolina.
H. Res. 753: Mr. WILSON of South Carolina, Mr. FORBES, and Mr. ORTIZ.
H. Res. 783: Mr. WALDEN of Oregon.
H. Res. 815: Mr. SIRES, Mr. COHEN, and Mr. NEUGEBAUER.
H. Res. 838: Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. GOODLATTE, and Mr. RENZI.
H. Res. 854: Mr. HOLT, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. BERMAN, Mr. CROWLEY, Mr. BURTON of Indiana, Ms. BERKLEY, and Mr. WEINER.
H. Res. 863: Ms. GINNY BROWN-WAITE of Florida and Ms. GRANGER.
H. Res. 866: Mr. MICA and Mr. LARSEN of Washington.
H. Res. 879: Mr. CANTOR, Ms. BERKLEY, Mr. MARIO DIAZ-BALART of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, DECEMBER 18, 2007 *No. 194*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, You are our fortress and shield. Your laws guide us, and Your teachings protect us. Your way is perfect, and Your word is true. You sent Your Son to serve and not to be served. Bless all who follow in his steps, giving themselves to serve others with wisdom, patience, and courage.

As our Senators seek to serve, empower them to minister in Your Name to the suffering, the friendless, and the needy. Give them wisdom and strength for this day, that they may dispose of their responsibilities in ways that honor You. Help them in all their relationships to be constructive and edifying, speaking words that will bring life and not death. Empower them to find joy in their work, despite pressure and opposition.

We pray in the Name of Him who laid down his life for us all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a

NOTICE

If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the *Congressional Record* for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MCCASKILL thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. MCCONNELL. Madam President, it is my understanding that the majority leader will be here momentarily, and therefore I suggest the absence of a quorum because he will be speaking first.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HONORING SENATOR TRENT LOTT

Mr. REID. Madam President, I have publicly stated my feelings about TRENT LOTT on a number of occasions since he indicated he was going to retire by the end of this year. We had a lovely reception for him in the Mansfield Room. Other people have their own views as to the strengths of TRENT LOTT, but having worked with him here on the Senate floor for these many years, his greatest attribute can best be summarized by the statesman Edmund Burke:

All government . . . every virtue and every prudent act—is founded on compromise . . .

That is not negative. That is positive. Compromise is something we as legislators must do. Legislation is the art of compromise. That is what we have been taught, and that is the way it is. There is no better example of that than what we have before us now or should have in a short time from the House, the omnibus spending bill. That has been the epitome of compromise by legislators and by the White House as the executive. That is what TRENT LOTT did best, approaching a difficult issue, trying to figure a way out of it. No one who has ever legislated and gotten a bill passed with their name on it has had what they really started out to do. We all must compromise. That is a negative term in some people's mind, but it really isn't if you are a legislator.

The special skill TRENT LOTT has, the special kind of understanding and pursuit of the common good, requires us to find common ground. TRENT LOTT embodies that skill. He is a true legislator. In all my dealings with TRENT LOTT, he is a gentleman. I have never, ever had Senator LOTT say something to me that he was not able to carry through on. His commitments are as good as gold.

We have had some jokes here about his dealings with John Breaux. They have a lot of qualities, but their qualities were the ability to make deals. When we needed something done during the Daschle years, the first person we went to was John Breaux. I am confident the first person he went to was TRENT LOTT. They have been close personal friends for all these years. As a result of their friendship, their trust of one another, it kind of spilled off on the rest of us, and we were able to get a lot of work done.

It goes without saying that we disagree on policy often, Senator LOTT and I, but with TRENT, these disagreements never seemed to be that important because he was always able to approach these challenges with a genuine desire to find a solution.

The history books will be written about this institution. I am confident they will be written about the State of Mississippi. There will be chapters that will have to be dedicated to TRENT LOTT because he has been part of the history of the State of Mississippi and of this institution and the House of Representatives. No one has ever, in the history of our country, some 230 years, served as the House whip and the Senate whip, but TRENT LOTT has. I believe he has made our country more secure in many ways. When we talk about security, it doesn't mean necessarily the military because our security depends on a lot more.

Senator LOTT, I wish you and your wonderful wife and your family the very best. I believe my dealings with you have made me a better person and a better Senator.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. MCCONNELL. Madam President, after the news of TRENT's retirement had spread, a young farmer in Jackson had this to say about the man he had called ''Senator'' most of his life:

He's a good person to represent the State, caring for people like he does.

That farmer had it exactly right because whether TRENT was making sure an old man in Pascagoula got his Social Security check or ducking into a kitchen in Tunica to thank the cooks after a political event, no service was too small, no task too insignificant when it came to serving the people of Mississippi.

One time, when TRENT was a young Congressman, a constituent called his office to have his trash removed. When TRENT asked why he hadn't called the town supervisor first, the man replied that he didn't want to start that high.

Nobody ever saw TRENT LOTT as a Congressman or a Senator. To them, he was just TRENT. As he vowed last month, that commitment to the people of Mississippi does not end here. ''I will work hard for the State, the last day I am in the Senate,'' he said, ''and I will work hard for this State until the last day I am alive.''

In a plaque on his office wall, visitors will find TRENT's rules. The most important one he always said was this: You can never have a national view if you forget the view from Pascagoula.

He never forgot his roots. TRENT dined with Presidents, yet he still remembers facing the winters of his childhood without indoor heat. He also remembers his first hot shower. And he never forgot the source of that luxury. ''It came from hard work,'' his mother said. He would spend a lifetime proving that he took her words to heart.

The love of politics came early, thanks in part to some lively debates with his folks around the dinner table. They always treated him with respect—''as an equal,'' he said—and they watched with pride as he threw himself into his studies and everything else that was available to a blue-collar kid growing up along the gulf coast in 1950s America.

TRENT was an early standout. His high school classmates voted him class president, most likely to succeed, most popular, a model of Christian conduct, most polite, and, of course, neatest. One friend recalls that TRENT was the only guy he ever knew who tidied up his bed before going to sleep at night.

Of course, TRENT's reputation for neatness outlasted high school. It has been the source of a lot of jokes over the years. But some of those jokes really are not fair. It is not true, for example, that TRENT arranges his sock drawer according to color every day. He is perfectly content to do it once a week—black on one side, blue on the other.

In college, the connection to Mississippi deepened. Surrounded by the white pillars and ancient oaks of Ole Miss, he formed lifelong friendships and grew in respect for the traditions of honor, integrity, duty, and service that had marked his beloved Sigma Nu from its beginnings.

There was always something to do, and TRENT did it all: frat parties, swaps, campus politics, singing, leading the cheers at the football games, and, occasionally, even studying. One of TRENT's college friends recalls that Mrs. Hutchinson's sophomore literature class was TRENT's Waterloo.

But after a less than impressive showing on her midterm exam, he refocused—and one of the things that came into view was a pretty young girl he had first met in high school band practice. One day TRENT told a fraternity brother he had met a girl he wanted to date. When he showed him Tricia's picture, the friend said: Yes, I think you should do that.

Then it was on to law school and marriage and private practice. Then, in the winter of 1968, a surprise phone call

came that changed absolutely everything. It was TRENT's Congressman, Bill Colmer. He wanted to know if TRENT would be interested in a job as his top staffer in Washington.

It was a tough decision. TRENT had never thought of coming here, and the money was not good. But it seemed like a good opportunity. And, as TRENT says, he never made a choice in his life based on finances. So he took it. And Tricia was behind him all the way. That spring, they packed everything they could pack into their Pontiac and headed north. It was the first of many gambles that would pay off for TRENT LOTT.

The new city and its temptations did not change the boy from Pascagoula. He put his energy and his people skills to work, learning the rules and customs of the House and cementing new friendships over a glass of Old Granddad and a cigar—always a cheap cigar—by night.

The second big gamble came when Congressman Colmer decided to retire. TRENT wanted to run for his boss's seat, but he would do it his way. Although more than 9 out of 10 Fifth District voters were Democrats, TRENT decided he would run as a Republican.

It was the hardest race of his life, but TRENT loved every greased-pig contest, every county fair, every parking lot rally, and every conversation in every living room he burst into—often unannounced, and usually uninvited. And the voters loved him back.

Buoyed by the Nixon landslide and a last-minute endorsement by his boss, he won. And so at 32, TRENT had achieved what so many others in this country have experienced: the realization, through wits and hard work, of an outrageous dream. The boy from Pascagoula would return to Washington as the gentleman from Mississippi full of energy and ready to put it to use.

A year later came Watergate, new wisdom, and soon the recognition by TRENT's colleagues that he was a leader.

It was an exciting time to be in Washington. The Reagan revolution was about to take hold. As TRENT later recalled: ''You could feel the political ground shift.'' And he would play a leading role.

Rising up the leadership ladder, he revolutionized the House's whip operation and found his place in the push and pull of counting votes. The only Member in history to serve as whip in both Chambers, TRENT put his skills on display every day on the floor and in some close leadership races over the years, three of which he won by a single vote. ''If you win by two,'' TRENT always said, ''you've wasted a vote.''

But his special gift back then, as now, was his ability to bring people around to his point of view. One of his college friends put it this way:

TRENT could carry on a conversation with a tree stump—and make it feel good about itself.

His colleagues soon learned that TRENT LOTT's word was as solid as a Mississippi oak. So armed with a reputation for honesty, charm, wits, and a group of trusted soldiers—including an Arizona lawyer named JON KYL and a young former Maine State senator named OLYMPIA SNOWE—he turned minority Republicans into a potent legislative force, ensuring some of the biggest victories of the Reagan revolution.

At the end of the Reagan years, TRENT set his sights on the Senate, and his opponent in that first race came right at him. But TRENT was ready for the fight. When the opponent said TRENT's hair was too neat, TRENT politely offered him a comb. When he falsely accused TRENT of being an elitist, the pipefitter's son responded the old-fashioned way: He and Tricia met just about every voter in the State that summer. The voters could judge for themselves what kind of guy he was.

And, of course, they liked him, and they made him their Senator. And he did not disappoint. Again, he rose quickly, becoming conference secretary and then whip. Then came another retirement, sending TRENT to the top of the class again as his party's leader in the Senate. On passing tough legislation, he did not understand the word ''no.'' On working out deals, he was without equal.

We all saw it up close after Katrina, when TRENT became a ferocious advocate for the people of Mississippi and the wider gulf coast, many of whom would rather live in tents than move away. And in a fight that brought together all his skills as a politician and home State advocate, he won.

We all know how valuable good staff is. TRENT has always had the best. We honor all of them today—past and present—for their tremendous contributions. To those who stay behind, we are glad you will be here. For those who do not, we wish you every success.

TRENT has lived life fully, never afraid to reach higher and always ready to accept whatever fate would bring. Who in this Chamber was not impressed by the way he dusted himself off after stepping down as leader? He never quit. And there is something deeply admirable in that.

To me, TRENT has always been the perfect colleague. We have been in a lot of tough spots together. He has always helped me in every possible way, and he has taught me a lot.

Looking back on his beginnings, it is astonishing to think of how far the son of Chester and Iona Lott has come. He leaves this place with a remarkable 35-year record of accomplishment of which he can be justly proud and scores of admirers from across the ideological spectrum. He will leave a mark on this institution that long outlasts the political fights of the day.

It is hard to believe TRENT will not be around when we all come back in January and the gavel drops on another session. But when it does, we will remember at some point in the days and weeks that follow that mischievous grin or a heavy slap on the back or some happy tune we heard him whistle once when he passed us quickly in the hall.

Then we will be glad to have served with a man like TRENT LOTT, and renewed in the hope that this institution and this Nation that he loves—to borrow the words of another Mississippian—will not merely endure, they will prevail.

Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 409, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 409) commending the service of the Honorable TRENT LOTT, a Senator from the State of Mississippi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 409) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 409

Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to Chester and Iona Watson Lott on October 9, 1941, in Grenada, Mississippi;

Whereas Trent Lott was raised in Pascagoula, Mississippi, attended public schools, and excelled in baseball, band, theater, and student government;

Whereas after graduating from Pascagoula High School, where he met his future wife during band practice, Trent Lott enrolled in the University of Mississippi in 1959;

Whereas Trent Lott pledged Sigma Nu, rising to become its president; formed a singing quartet known as The Chancellors; and was elected ''head cheerleader'' of the Ole Mississippi football team;

Whereas upon graduating college, Trent Lott enrolled in the University of Mississippi Law School in 1963, excelling in moot court and as president of the Phi Alpha Delta legal fraternity;

Whereas upon graduating from law school in 1967, Trent Lott practiced law in Pascagoula, then served as administrative assistant to United States Representative William Colmer until 1972;

Whereas upon Congressman Colmer's retirement, Trent Lott was elected to replace him in November 1972 as a Republican representing Mississippi's Fifth District;

Whereas Trent Lott was reelected by the voters of the Fifth District to seven succeeding terms, rising to the position of minority whip and serving in that role with distinction from 1981 to 1989;

Whereas Trent Lott was elected to the U.S. Senate in 1988 and reelected three times, serving as chairman of the Senate Committee on Rules and Administration from 2003 to 2006;

Whereas Trent Lott was chosen by his Senate Republican colleagues to serve as Majority Whip for the 104th Congress, then chosen to lead his party in the Senate as both Majority Leader and Minority Leader from 1996 to 2003;

Whereas Trent Lott was chosen by his peers to serve as Minority Whip for the 110th Congress;

Whereas Trent Lott's warmth, decency, and devotion to the people of Mississippi and the country have contributed to his legendary skill at working cooperatively with people from all political parties and ideologies;

Whereas, in addition to his many legislative achievements in a congressional career spanning more than three decades, Trent Lott has earned the admiration, respect, and affection of his colleagues and of the American People;

Whereas he has drawn strength and support in a life of high achievement and high responsibility from his faith, his, beloved wife Tricia, their children, Tyler and Chet; and their grandchildren;

Now, therefore, be it *Resolved*, That the Senate

Notes with deep appreciation the retirement of Chester Trent Lott;

Extends its best wishes to Trent Lott and his family;

Honors the integrity and outstanding work Trent Lott has done in service to his country; and

Directs the Secretary of the Senate to transmit a copy of this resolution to the family of Senator Trent Lott.

Mr. MCCONNELL. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Madam President, the decision made by my State colleague to retire from the Senate has left me with a deep sense of loss. I respect his right to leave the Senate, and I know he will enjoy a well-earned respite from the demands and challenges that go with this job.

TRENT LOTT has served with distinction, and he has reflected great credit on our State and Nation. I have enjoyed his personal friendship and the opportunity to come to know his family, his wonderful wife Tricia and their two fine children, Chet and Tyler.

TRENT and I were elected to serve in the U.S. House of Representatives in 1972. At that time, he was serving as the administrative assistant to Congressman William Colmer, who was the chairman of the Rules Committee in the House. So I looked to him for advice and counsel because of his experience on the Hill and his insight into how the House really worked, as only an insider such as he would know.

We became friends right away. We were the first Republicans elected from our districts in Mississippi since the Reconstruction period following the Civil War.

In due course, we were elected to serve in this body, and we have worked together over the years on the many challenges that have confronted our State.

I will truly miss serving with TRENT in the Senate. I have come to respect him and appreciate his legislative skills and his great capacity for hard work. He is a tireless and resolute advocate for causes and issues which he decides to support. In a word, he is a winner. He gets things done.

I know TRENT and his family will enjoy the new opportunities they will have following his great career in the House and the Senate. They have certainly earned the right to new, less burdensome, and more rewarding experiences in the years ahead.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. SMITH. Madam President, I have been privileged to serve as a U.S. Senator now going into the 12th year of a second term. In all 12 of those years, it has been for me a great privilege and a high honor to serve as a colleague of TRENT LOTT.

Over the course of those 12 years, TRENT LOTT has told me many times that he has visited every State in the Union except Oregon. Notwithstanding that, this Oregonian feels great pride today in speaking for TRENT LOTT.

I hope TRENT will come to Oregon someday, and when he comes to Oregon, there is a place I would like to take him. We have in Oregon many groves of very ancient trees. It is tall timber. These trees go back 2,000 and 3,000 years. But because they are old, occasionally one of these sequoias will fall. And when they fall, a hole in the huge canopy in the sky is opened.

When you are in one of these groves, you feel something of the presence of the sacred, a sanctuary. That is a feeling that I often have when I come to the floor of the U.S. Senate. Occasionally, some tall timber leaves our presence—through retirement or death or from other causes—and when that happens, a great hole is left in the Senate. That is the feeling I have as I contemplate the retirement of TRENT LOTT. In this sanctuary, a great hole in the canopy will be opened.

Madam President, when I think of the men I have known, the women I have known in the Senate, they are people of extraordinary ability, but one stands apart in my mind as how to get things done, and that is TRENT LOTT. I have never seen his equal in the cloakroom. We have all felt his warm slap on our back, a steely look in his eye, and a strong urging to vote this way or that. But it was always done with understanding that we represent not just a party but our country and our States, and that is where our obligation lies.

It was because TRENT was so good, in my mind, that he is still, and will forever be, something of an ideal because he was my first leader. What I saw in him was someone who knew this institution deeply, who worked relentlessly, who could define differences and help us to reach honorable compromises so that when we went home, we could look back on something of an accomplishment.

I am proud of the example my first leader set for me. It is a high standard. I thank you, TRENT, for that standard. It is the gold standard, in my mind.

I was halfway around the world when an event befell TRENT LOTT that shook me deeply. I was celebrating my reelection and on vacation. I watched over international news as his words were misconstrued—words which we had heard him utter many times in his big warm-heartedness, trying to make one of our colleagues, Strom Thurmond, feel good at 100 years old. We knew what he meant, but the wolf pack of the press circled around him, sensed blood in the water, and the exigencies of politics caused a great injustice to be done to him and to Tricia. It was a wrong, but it was a wrong that was righted.

I was privileged to be asked by TRENT LOTT to speak for him when he ran for whip. On that occasion, as I thought of TRENT, I thought of more than my leader, my first leader. I thought of him as something much more. I thought of him as a friend and as a father figure. I recalled on that occasion words I spoke regarding my own father at his funeral that seemed to define the man—the man I called dad and the man I called my leader. They are words that were put into the mouth of the character Anthony by the great writer Shakespeare. Shakespeare said of Caesar, when Caesar had fallen, these words:

> His life was gentle and the elements so mixed in him that nature might stand up and say to all the world: this was a man.

I am privileged to call this man my friend. May God bless TRENT and Tricia Lott and thank God for their service to Mississippi and even to Oregon and to the United States of America.

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

Mr. DURBIN. Madam President, I join my fellow Senators in wishing my colleague, TRENT LOTT, the best of luck as he begins the next chapter in his life. You are getting to hear your eulogies today, TRENT, and they are pretty good. Most of us never think we will have that opportunity.

Senator LOTT and I sure have had our differences in the 11 years I have served in the Senate, and I guess we always will when it comes to some issues, but serving together this past year as whips for our respective parties has given me a chance to work closely with TRENT on a number of issues and this I can say: TRENT LOTT is a committed Republican. He can be a partisan, but he cares about the Senate. He understands that politics, in the Senate and in life, is the art of compromise. He has been willing to reach across the aisle to try to find a way to make the Senate work and make our Government work and I respect him very much for that.

F. Scott Fitzgerald famously declared that: ''There are no second acts in American lives.'' Well, Mr. Fitzgerald obviously didn't meet TRENT LOTT.

In the first act, TRENT LOTT began his career on Capitol Hill working for a Democratic Congressman from Mississippi. He then, of course, was elected as a Republican Congressman from the

same State. He spent nearly four decades in Congress serving the people of Mississippi. As a leader in the Senate, he helped steer America through some of the most turbulent chapters in our recent history: Two shutdowns of the Federal Government, an impeachment trial, a 9/11 terrorist attack on our Nation, and anthrax attacks on the U.S. capital. With my friend, Tom Daschle, he negotiated the delicate terms of our Nation's first-ever 50–50 Senate split.

Seven years ago this week, TRENT LOTT stepped aside as majority leader. Some wondered then whether Senator LOTT might be through with the Senate. But he stayed and he managed in a short time to write one of the most remarkable second acts in this Senate in recent memory.

I know TRENT must be feeling mixed emotions as he leaves the Senate. I can assure my fellow whip he has left a mark and will be remembered for a long time, not for seersucker Thursday, not for wearing kilts on the floor of the Senate, TRENT LOTT will be remembered because he is one of us.

I wish Senator LOTT and his wife Tricia and his family the best of luck as they begin another new act.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mrs. DOLE. Madam President, Harry Truman was wrong. Truman famously defined a statesman as ''a politician who has been dead for 20 years.'' It is a good line, but it wasn't true then, as Truman's own career attests, and it is not true today. That said, we can never have enough statesmen and women to validate our democratic creed, which makes our sense of loss all the greater when an authentic statesman leaves this place.

For 35 years, TRENT LOTT has served the people of Mississippi with distinction, never forgetting their interests, even as he advanced our national interests: Economic development for Mississippi, meeting transportation infrastructure needs, persuading businesses to build plants and provide jobs. His effectiveness is legendary, whether championing a strong national defense, encouraging entrepreneurship in a dynamic economy or expanding both educational opportunity and accountability. Through it all, TRENT kept faith with the people who sent him here. Just as he long ago earned their trust and confidence, so he impressed Members on both sides of the aisle with his integrity and his decency.

The only person ever to serve as a party whip in both Houses, TRENT soon became much more than a party leader. To his lasting credit, he helped convince us tax cuts were the road to economic revitalization. At the same time, he argued for a bipartisan approach to education reform. In the bleak aftermath of 9/11, TRENT appealed to what Abraham Lincoln called the better angels of our nature. Similar to Ronald Reagan, he wears an optimist's smile, for he never confused an adversary with an enemy. TRENT LOTT will be remembered as someone who preferred to narrow our differences rather than exploit them.

The junior Senator from Mississippi has scaled the heights in his political career and he has experienced life's valleys as well. With dogged determination, he made adversity, whenever it occurred, a strengthening experience. As one who has shared Senate Bible studies with both TRENT and his beloved wife Tricia, I know that his has been a profoundly spiritual journey and one that is far from over.

In a town where talk is cheap—indeed, it is the only thing that is cheap—TRENT prefers solutions to sound bites, and he has never mistaken civility for weakness. One of his basic principles is to respect others whose views might differ. More often than not, he found a way to distill the best of each, which to me is the definition of a statesman.

His ability to get things done—to work effectively and foster relationships with colleagues from both parties—resulted in his numerous triumphs as the Senate majority leader. In his first year as leader, he personally led his colleagues to pass two landmark legislative items: Welfare reform and the budget compromise, which resulted in the first balanced budgets with surpluses in 30 years.

Of course, the Senate is also a family, and on this day, I must mention some of my most cherished memories in the Dole family album, of TRENT and Tricia campaigning for me in Rocky Mountain, NC, in the autumn of 2002; of Bob Dole showing up for the Spouses Club, presided over by Tricia, though begging off on a tour of the Capitol since he said he had already seen the place. Nor will I ever forget sitting in TRENT's cherished rocking chair on the front porch of his Pascagoula home—a home that would vanish on a brutal morning a little more than 2 years ago, when a tempest named Katrina scoured miles and miles of Mississippi coastline.

Similar to so many who looked out on the gulf, the Lotts lost everything that day—everything but life and love and the faith that gives to them both a meaning that no storm can wash away. In the years since, the victims of Katrina have had no more passionate advocates than TRENT and Tricia Lott. No one has worked harder, longer, to ensure that we honor the promises made to our fellow men and women along the gulf coast. As the mayor of Gulfport said about TRENT:

> Although suffering catastrophic personal losses himself, he has tirelessly fought our battles and won our wars for us time and again. His legacy will be recognized in every corner of our great State and the pages of history will reflect the honor and service of the Senator from Pascagoula who restored hope in the citizens of Mississippi.

I would add I have great respect for Tricia's enormous efforts to provide needed supplies and hope to the Katrina victims.

Houses, we have learned, are vulnerable to the fury of nature. Supremacy in politicians is even more transitory. Majorities shift similar to the sands of Biloxi. But some things endure. Honor endures. True leadership generates its own legacy. True leaders stake their own claim to posterity's gratitude. That is the stuff of statesmanship, and that is the essence of TRENT LOTT.

The gentleman from Mississippi has had a lengthy and purpose-driven career in this institution, and he will be greatly missed. With deep admiration and respect for a trusted colleague, I wish TRENT and his family all the best.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, when I came to the Senate after the election of 1976, the chairman of the Judiciary Committee was a very distinguished gentleman from Mississippi named James Eastland. I can remember the first time I met Senator Eastland as a citizen newly elected to the Senate, when nobody thought I was going to make it. I was invited into his office and the first thing he did was offer me a cigar. I said: ''Well, I am sorry, sir. My faith does not permit me to smoke.'' He said: ''Well, then, have a drink.'' I replied: ''Well, sorry, sir, but my faith doesn't permit me to drink.'' Senator Eastland then exclaimed very loudly: ''What the expletive is the matter with you Mormons?''

I want everybody to know Senator LOTT has never offered me a cigar nor has he ever offered me a drink, although I think he has been tempted a few times.

Let me say this: I have such admiration for Senator LOTT and his wife Tricia and for the love and respect they have shown to all of us and this institution, and for all of their hard work.

It is no secret that I bitterly resent the way Senator LOTT was treated after Senator Strom Thurmond's 100th birthday party. It was wrong, and it was hitting below the belt. It would have crushed any one of us to go through what he went through, facing such harsh attacks knowing that he certainly did not mean to say what others tried to put in his mouth. But TRENT fought his way back, kept his head high, became a friend to everybody in the Senate again the very next day, and, of course, won the respect of virtually everybody who has ever known him or what he stands for.

I have tremendous respect and love for TRENT and Tricia for the sacrifices they have made for their State and for this country. He and Senator COCHRAN have been one of the best duos in the history of the Senate—two real gentlemen, two strong, tough people. But, they are also two people who have shown respect for this body and all of its members in ways that not many others have.

All I can say is I wish Senator LOTT and Tricia the best of luck in all of their future endeavors. While I am certain he will be an asset to any effort

with which he becomes involved, I am equally certain the Senate is going to be a lesser place without him.

Supporting Senator LOTT throughout his time in the Congress is one of the most beautiful and noble women in the history of the Senate. Tricia Lott has been the quintessential Senate wife, and I doubt Senator LOTT would have been as great as he has become had it not been for his relationship with Tricia.

Elaine and I are going to greatly miss you, TRENT. I know I am not supposed to refer to you by your first name, but I am going to make an exception in this case. We will always be pulling for you, your success, and your happiness in this life. This old Senator is going to miss you greatly. We are going to miss the efforts you put forth. We are going to miss the talents you have. We are going to miss the energy you bring to the Senate. And, we are most certainly going to miss your ability to bring us together, making better Senators out of us all.

God bless the Lotts. We in the Senate will surely miss them.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, about exactly 21 years ago, after I had been elected to the House of Representatives from the State of Arizona, my wife Caryll and I came to Washington and almost immediately met TRENT and Tricia Lott. In fact, we have a photograph that is displayed in our home with TRENT and Tricia on which TRENT made a wonderful inscription.

I learned from the very beginning that TRENT LOTT was a leader—a leader in the House of Representatives and a leader among his colleagues. I have been following TRENT LOTT ever since as House whip, as Senate whip, as Senate Republican leader, and as a colleague in battles too numerous to mention.

Chaplain Black began this morning asking that we come here to serve. No State has ever been served better than by their representative TRENT LOTT. He always puts Mississippi first, yet always is able to balance his devotion to his constituents with the national interest and with his responsibilities in representing his colleagues.

That he came to serve, again to use the Chaplain's word, is best illustrated by his decision to run for reelection a year ago. Many of us knew TRENT had come to believe that he had to prioritize his family responsibilities and had concluded it was about time for him to leave public service. But the catastrophe of Hurricane Katrina hit the coast of Mississippi, destroying not only the Lotts' home in Pascagoula but so many of the homes and businesses of his friends in Mississippi. It did not take TRENT too long in pondering what he faced to conclude that he owed it to his constituents in Mississippi to continue to use his skills in Washington, DC, to represent them, to help them recover from the devastation that had been visited upon them. It was this service, after he had already concluded that his time had come to move out of public service, that I think illustrates perhaps better than anything else his devotion to the people of Mississippi, to his friends there. He did not decide to leave the Senate until his work was done, and for that the people of Mississippi, I know, will be forever grateful to TRENT LOTT.

TRENT has always been known as being a person who has been able to find the common ground among his colleagues. That is a very special skill. Some people call it dealmaking. Some people talk about it in terms of the art of compromise, frequently talking about TRENT's ability to move across the aisle and to work with friends on both the Democratic and Republican side.

I think his ability to do this, which is unprecedented in my 21 years in Washington or unequaled, I should say, is due to a variety of qualities. First, TRENT's intelligence; second, his boundless energy; third, his knowledge of the institutions, of both the House and the Senate. Again, I know of no equal in terms of the knowledge of how these bodies work and how we can achieve great things by working with people in both bodies.

His knowledge of the nature of man—this is something my father taught me and I have tried to learn from people such as TRENT LOTT—what makes people tick—you can find that common ground and achieve great things if you understand people. I think that is one of TRENT's greatest qualities and one which will be missed in this body. And, of course, his commitment to what he has always believed was right for Mississippi and America. Also contributing to his success is his faith, and it sustained him more than we will ever know. And finally, of course, his family.

It is interesting that everybody who has commented about TRENT's service in the Senate has quickly moved to also comment about his commitment to his family and in particular his wonderful wife Tricia. It has to say something when that is one of the first things people think of when they think of you. I know if that is the way TRENT is remembered, he will be a very happy man.

TRENT LOTT has been serving almost his entire adult life. The people of Mississippi, the people of America, his colleagues in the House and Senate, and I have been honored to serve with TRENT for 21 years. I have learned a lot. Most importantly, I have enjoyed my time with TRENT, especially quiet time.

Now it is time for TRENT to serve his family more in accordance with his priorities, and no one can argue that he has not earned that right.

So TRENT LOTT, a man for all seasons—Representative, Senator, servant, leader, husband, father, and grandfather, proud American and Mississippian and friend—thank you. God bless you.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I noticed the Senator from California and I rose virtually simultaneously. I yield to her.

Mrs. FEINSTEIN. Madam President, I thank the Senator from Pennsylvania very much. It is very generous of him. My remarks are very brief and they are very personal.

TRENT, I want you to know how much I have enjoyed working with you. I have enjoyed your friendship, I have enjoyed your sense of humor and, yes, I have even enjoyed your singing.

(Laughter.)

I have found you to be both forthright and truthful. I have found that when you give your word, you keep it. I tend to judge people on two bases: how they go through the tough times and whether I would want to be in a bunker with them in a real debate.

I watched you go through the tough times. I remember you showing me a picture of a chair that had gone a mile from the home that blew down in the hurricane. I remember your fight with the insurance company, and I can only say to that insurance company: Give up, you are going to lose.

I want you to know how much I treasure the relationship we have had. You have a great future. For you and your family, you are probably doing the right thing. For us, it is going to be a real loss. I want you to know how much I enjoyed the times we had socially, the seersucker caucus, seeing you turn up here in white bucks, all clean, spotless, a seersucker suit, a pink shirt, and a pink tie. No one in seersucker quite equals you, TRENT LOTT. For me, a westerner, to see a southerner at his peacock best was incredibly special.

I thank you for your contributions to the Senate. I thank you for your friendship. I wish you well, and may the wind always be at your back.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I join my colleagues in expressing my heartiest congratulations to my good friend, Senator TRENT LOTT, on his historic career of 35 years as a member of the U.S. Congress. I also express deep regrets that following the new year, we will no longer have TRENT LOTT as a member of this body. His announcement that he will be retiring was a shock to some of us here in the Senate. TRENT has been the embodiment of what's good in this body for so long, that it will be difficult to think of the United States Senate without the Senator from Mississippi. I applaud TRENT's outstanding service to the people of Mississippi, and the nation which he has successfully undertaken in both wings of the U.S. Capitol.

TRENT LOTT was born on October 9, 1941, in Grenada, MS, the only child to a shipyard worker, Chester Lott, and a school teacher mother Iona. TRENT attended a high school which in later

years would bare his name, the Trent Lott Middle School. LOTT went to the University of Mississippi where he achieved an undergraduate degree in public administration in 1965 and a law degree in 1967. During his time at college he met and married his wife Patricia Thompson in December 1964. Together the couple had a son and a daughter, Chester and Tyler.

After graduating from law school, TRENT began a law practice in Pascagoula, MS, but leaving after less than a year when he was offered a job working in Washington as an administrative assistant for Congressman William Colmer, a Mississippi Democrat. When Congressman Colmer announced his retirement from the House of Representatives, TRENT LOTT announced his candidacy as a Republican to seek the vacant office. LOTT, even as a Republican, won Colmer's endorsement, vowing to fight the increasing power of Government that was developing in Washington. LOTT went on to win the seat with 55 percent of the vote. The next 35 years would mark a series of extraordinary moments in history as TRENT LOTT begins his career as a Member of Congress.

I have had the privilege of serving with TRENT in the Senate for the past 19 years. I have watched him throughout his Senate career develop into a strong and effective leader, mastering the art of compromise, a feat which is hard to accomplish in these times. These qualities served TRENT well as he climbed the ranks in House and Senate leadership: he served as House minority whip from 1981 to 1989; Senate majority whip for 5 months in 1995; and in June of 1996, he succeeded my good friend, Senator Bob Dole, to become the 16th majority leader of the Senate. TRENT served a brief stint as minority leader after the 2000 elections produced a 50–50 split in the Senate, with Vice President Al Gore still being the tiebreaking vote. As the Bush administration came into office, with Vice President DICK CHENEY now being the tiebreaker, control went back to the Republicans and TRENT resumed his duties as majority leader. Later in 2001, TRENT would once again become Minority Leader as Senator Jim Jeffords, a Republican from Vermont, became an Independent and caucused with the Democrats, allowing them to regain the majority. Presumably, TRENT will leave the Senate while serving in his most recent leadership position; he was elected this Congress to serve as the Republican whip. Senator TRENT LOTT is the first person to have served as whip in both Houses of Congress.

Drawing on his impressive experience as a legislator and a negotiator, majority Leader, LOTT was instrumental in promptly moving legislation from Congress to the President's desk. Working harmoniously with the executive and legislative branches of Government, the country witnessed landmark bills being signed into law. Major policy initiatives, such as the Welfare Reform Act of 1996 and bringing balance to the Federal budget for the first time since 1968, were both accomplished under TRENT's leadership. However, I was most impressed with the role TRENT played in the impeachment proceedings for President Bill Clinton. Working with him during this difficult time in our country's history was an experience I will always remember.

Aside from a distinguished career as majority leader, Senator LOTT has been a champion for his own State of Mississippi. Recognizing that the top priorities in Mississippi are an expanded transportation system and innovative education, TRENT time and time again proved to the people of his State his ability to deliver. He has secured Federal funding to improve Mississippi's transportation expansion and has more than doubled research funding for Mississippi's public universities. Recognizing TRENT's leadership through public service, the University of Mississippi in Oxford, where he received both his undergraduate and law degrees, named its leadership institute after him.

On a personal note, I believe all my colleagues can agree with me, that along with his remarkable accomplishments in Congress, what we will miss most about TRENT is his affability, commonsense persona, and his enjoyable sense of humor. He brings a breath of fresh air to Washington, a town which desperately needs it at times. No one questioned TRENT's motive when he revived a long-forgotten Senate tradition known as Seersucker Thursday, a tradition which this Senator has participated in, and will continue to participate in.

Senator TRENT LOTT's service and leadership were invaluable to this institution. Truly a great Senator, he will be missed in this body. I wish him, his wife Patricia, and all his family the very best in the years to come.

I am pleased to join in this tribute to Senator LOTT. My only regret is that it is occurring perhaps 18 years too soon.

I would characterize TRENT's attributes, among many, as his talent, his character, and his flair. He has brought to this body enormous intellectual capability and great street smarts. Ordinarily, the two do not go together, but with TRENT, they have been united to the great benefit of the body.

We have watched TRENT in his positions in the Senate before taking a leadership role after his election in 1988, being the majority leader, and the way he makes contacts on the Senate floor. We all move around, none with the speed and alacrity of TRENT LOTT. There is always an intensity to his conversations. He doesn't buttonhole people or he doesn't lean over as Lyndon Johnson was reputed to have done, but there is a real intensity. Usually at the end of the short conversation, the other person is nodding in the affirmative.

At our Tuesday luncheons, the way he moves around from table to table, it was almost as if he were in Club 21. Here again, moving in and out with a great deal of speed and, again, the conversations and what I surmise at some distance to be success.

He has been characterized as a deal maker, a term which is not always used in the highest sense, but with TRENT LOTT it is. The great problem with our body is there are not enough deal makers. Not enough Senators willing to come to an accommodation. It is an understanding of the varied points of view.

On the rare occasions when I have disagreed with a majority vote—may the record show TRENT is smiling—he has been understanding in his leadership position, never conceding, and frequently advocating, but always understanding.

If there is one thing this body lacks, it is a sense of accommodation. That is evident by anybody who will take a photograph of the Chamber today and note how many people on the other side of the aisle have appeared here. I hope their numbers will be increased before this proceeding is concluded.

The business about our political process being dominated by the extremes of both parties is very much to the detriment of the country. Those who are willing to cross the aisle, as the last speaker did on the Democratic side, the Senator from California, the country owes a great debt of gratitude to. And to those such as Senator LOTT who have been able to forge compromises, it is in the greatest tradition of the Senate and the greatest tradition of the United States.

Just a word or two about his character. I attended the 100th birthday party of Senator Thurmond on December 4, 2002. I have seen many comments blown vastly out of proportion during my tenure in the Senate and before, but never have I seen one blown as much out of proportion as that one was. And I said so at the time. My record on civil rights is one which no one yet has questioned. What Senator LOTT said was in no means out of line. And then to continue in the Senate and really move as a Member without leadership credentials was to his enormous credit. Then to come back and to run for another leadership position and be successful was in the greatest tradition of the Phoenix rising from the ashes. I haven't seen any greater display of character in this body in the time I have been here.

Then there is the matter of flair, which this body needs more of. Always a smile, always a pat on the back, always the joviality, and the great tradition of seersucker Thursday. It is always an interesting time when people come, not recognizing seersucker Thursday. One day, our leader, Bill Frist, went out and bought a suit—and I have a picture hanging proudly in my outer office—and Bill couldn't get the trousers adjusted, and the highlight of the picture is the unadjusted trousers of one of our Senate colleagues.

Let me end on a note which I have debated whether I should comment about, but it is relevant because of the response TRENT made to a short story I told recently at the celebrity comedy evening. I dusted off an old story from mayor Bill Daley at the 1968 convention and made TRENT the object of the story. It went to the effect that when TRENT came back to the Senate after the losses in Mississippi, he was devastated and very glum.

I approached him on the Senate Floor one day and said: TRENT, why are you so unhappy? What is wrong?

I knew, in one sense, but he seemed especially morose.

He said: Well, ARLEN, not only was my entire property destroyed in Mississippi, but my entire library was destroyed—both books—and I wasn't finished coloring one of them, either.

Well, that little bit of joviality at TRENT's expense was met with his approaching me on the floor—and this part of the story is true and what makes it perhaps relevant to these comments—and with a scowl on his face, he said: ARLEN, I thought you and I were friends. We have been in this body a long time together. Now I hear you are making me the butt of jokes at comedy hour, so I don't really understand. And besides your unfairness and your incivility, you are wrong—I have more than two coloring books.

In a sense, that characterizes TRENT LOTT's magnanimity, and we are all going to miss him very much. He has made a great contribution. When TRENT decided there was another course for him and his family, I had great respect for that decision as I have great respect for him.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I had an opportunity to hear the first half hour of this tribute to Senator LOTT, and then I had to go on to another piece of business, and I have just returned. But in all of this conversation about Senator LOTT, there has been some levity. I am not going to be able to add to that because my wife always tells me every time I try to be funny, I kind of screw up. So I want to add to the business aspect of Senator LOTT and the Senate.

I think most of the tribute I heard praised Senator LOTT for making the Senate work, the process of the Senate, moving things through the Senate, making the Senate a great part of our institution of self-government, and he does that. But I would like to talk about the substance of policy I have seen TRENT LOTT bring to the Senate and bring to the people, and whatever I talk about is part of the laws of the United States to which I think he has contributed.

Like all of my colleagues, it is hard for me to imagine the Congress, and especially the Senate, without TRENT LOTT being a part of it.

I met my friend TRENT LOTT when I was elected to the House of Representatives in 1974. He had already been in the House of Representatives at that time for 2 years. As has been said so many times, he went on to become a very competent House Republican whip, first showing what a successful national leader he would prove to be again and again, as he is now in that position in the Senate.

I also remember talking with Congressman LOTT 8 years after I came to the Senate, as he was imagining whether he should run for the Senate. But it has really only been in the last 12 years that I have had the opportunity to work most closely with Senator LOTT. He has been a very strong ally, particularly for me as a leader on the Finance Committee, but he has also, on occasion, been a worthy opponent.

Senator LOTT has fought tirelessly for legislation that respects the principle of less government and more freedom, particularly economic freedom. His support for tax relief, expanded market opportunities for U.S. manufacturers and for job creation, and for consumer-driven health care has been essential to the many successful legislative initiatives that have come from the Committee on Finance in recent years.

Back in 1997, as a new member of the Finance Committee, Senator LOTT worked for passage of the Tax Relief Act of 1997. This legislation included a $500-per-child tax credit, a 20-percent capital gains tax rate, the Roth IRA, and estate tax relief for small businesses. In fact, Senator LOTT was a leading proponent of capital gains tax relief, and he remains unfailing today in his commitment to this vitally important progrowth tax policy.

In 1998, Senator LOTT was a key player on the Finance Committee in putting together a final agreement on the highway bill.

In 2001, when I became chairman of the Finance Committee and we had the opportunity to pass the largest tax relief bill in a generation, Senator LOTT was Republican leader at that time, but he continued as a member of the Finance Committee and in turn an essential supporter and contributor to what has become known as the Economic Growth and Tax Relief Reconciliation Act of 2001. This legislation lowered rates for all taxpayers, made the Tax Code more progressive, and created the first ever 10-percent marginal tax rate.

Two years later, after September 11, we were at work on the Finance Committee to pass legislation to stimulate the economy. Again, Senator LOTT was in the forefront as an advocate for reducing the capital gains tax rate to 15 percent, where it is today. Senator LOTT weighed in heavily to get it done. Also, with lowering taxes on income from dividends and capital gains, the Job Growth Tax Relief Reconciliation Act of 2003 accelerated some of the tax changes passed in 2001 and increased the exemption amount for the alternative minimum tax. These initiatives encouraged economic growth and were vital to mitigating the economic shock of the terrorist attacks of September 11, 2001. By spurring economic activity, those tax policies altogether resulted in recordbreaking revenues collected by the Federal Treasury.

Senator LOTT has brought tremendous energy to policy and tremendous energy to getting the work of the Senate done. But I am going to remember his contribution to the policy this Senate has made—very good policy—and he has been there working very hard as a member of the Senate Finance Committee to do that. The drive to get the work done has helped me get my work done in the Senate.

Now, there is no doubt he served his constituents of Mississippi very effectively. After nearly three decades in the Senate, he showed his loyalty by staying in the Senate after a planned retirement just last election. He decided to run for reelection in order to do what he has done for an entire life as a public servant—to help the people of Mississippi, and in this specific instance to help the people of Mississippi recover from Hurricane Katrina. Mississippians didn't quit, and neither did Senator LOTT quit. He used his influence and power in the Senate to help his State recover.

As a Republican leader in the Senate, TRENT LOTT's experience and knowledge of the Senate and the Senate's procedures have proven to be invaluable. It will be a long time, if ever, that we see anyone work the whip process better than Senator LOTT has.

Senator LOTT leaves the Senate with a great legacy of accomplishments. Woven throughout everything, though, is Senator LOTT's ability to lead. He demonstrated repeatedly his talents and abilities for building winning coalitions. He led with commitment to getting things done. He understood that there are different points of view but that they can be brought together for the right approach that brings results and, as a result, good policy.

I salute Senator LOTT's tremendous success as a leader in the Senate, and I am truly sorry to see Senator LOTT leave the Senate. I will miss him as a colleague and as a friend. TRENT LOTT has made the Senate, he has made his home State, and, for sure, the Nation a better place.

Thank you for your service, TRENT LOTT.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. SNOWE. Madam President, I wish to join all of my colleagues, sadly and regrettably, in a big farewell to my very good friend, a good friend to this institution, a giant in this institution, as TRENT prepares to leave the Senate and usher in a new chapter of his much-accomplished life. With his 35 years of distinguished service, his leaving the Senate represents an enormous loss to our Nation and to his beloved State of Mississippi, to the Senate, and to many of us personally.

There is no question that it speaks volumes about his dedication and commitment to his beloved State of Mississippi when he could not and would not leave the Senate until his State found solid ground and footing in the aftermath of the horrific devastation of Hurricane Katrina.

I must admit I feel as if I bear some responsibility in TRENT's leaving the Senate. You see, a few weeks ago, prior to the recess, TRENT said: Olympia, if you don't vote with me, I am leaving the Senate. Always the straightforward approach. TRENT, I just didn't realize you were serious. So I am a little relieved to know it wasn't about me.

But, you know, I have known TRENT for 28 years, since we first served together in the House of Representatives, and I have always known him to be an adept and thoughtful legislator in his various leadership capacities in both the House and Senate. He forged the template for reaching out and solving problems and strengthening the respective institutions in which he served.

I saw firsthand his masterful skills as minority whip when he was elected in 1981. In 1982, he raised a few eyebrows when this conservative man from the South named a centrist woman from Maine as his chief deputy whip. That was groundbreaking at the time because it was the first Republican woman to serve in that capacity. But in 1981, we only had 192 Republicans in the House, and TRENT demonstrated his legendary abilities to cross party lines, secure the votes, and was so instrumental to instituting President Reagan's agenda. So it was no surprise that President Reagan would frequently call TRENT and his whip organization to the White House, because he knew TRENT was central and crucial to securing those early threshold victorious for his key initiatives.

For those who served at that time in the House of Representatives, we had epic budget and tax-cut battles. We were rebuilding our hollow forces after Vietnam and of course the Cold War was in full force. Indisputably, TRENT rose to the occasion time and time again. He was a consummate coalition builder. He created what he described as the buddy system, bridging the political divide, understanding that there would be regional, political, and philosophical differences that would divide us, but he would find a way to unite us.

At that time we had, what was it, Gypsy Moths, which were the Northeast-Midwest Republicans, those of us who were there, Republicans, and then the Boll Weevils, who were southern Democrats. I will leave it up to you to decide whether it is appropriate to name Members of Congress after insects. Nevertheless, that was the regional divide and it was TRENT's challenge to bridge that divide, and he did it time and time again. Even after the 1982 election—we lost 26 Republican seats in the House of Representatives, now we were down to 166 Members of the House—he managed to secure votes that would have eluded others. In fact, we were able to obtain a 100-percent increase in defense spending in 5 years. That is what he was able to accomplish, because he systematically and mathematically as well as philosophically worked with people across the political lines to make it work. As he says himself, he is a congenital doer, who wants to solve the problems of this great Nation.

It is no surprise, then, that he would be the first person elected to whip in both the House and Senate. He rose rapidly here within the ranks of leadership, with the culmination as Senate majority leader in 1996. He characteristically wasted no time once again applying the same formula for coalition building and achieving the passage of watershed legislation, as has been mentioned—whether it was the minimum wage, Kassebaum-Kennedy legislation on health care portability, the landmark welfare reform, even after it had been vetoed twice by the President.

We all know during that period of time as well his tenure was bookended by unprecedented and historic events—the impeachment trial, a 50–50 Senate for the first time in 120 years, and the worst attack on American soil. He managed to achieve the first balanced budgets in probably more than a half a century. He, as we all well know, guided this institution with dignity and skill during those tumultuous times.

On a more personal note, one of the crowning achievements of his persuasive powers is when, as others have mentioned here today, he was determined to dedicate Thursday, one summer day, for Seersucker Day. He approached me with the idea. He said, OLYMPIA, are you going to wear a seersucker suit? I said, TRENT, be serious; I am from Maine. We don't wear seersucker suits and I will not wear it. Not over my dead body.

Of course, when Seersucker Day arrived, I showed up in a seersucker suit, to his surprise, alive and well. But that is an indication of his ability to persuade.

Finally, I think there can be no discussion of TRENT's legacy without paying tribute to his extraordinary wife Tricia. Theirs is truly a special partnership. I know TRENT would be the first to say he could not have done any of it without Tricia. She in her own right has contributed immeasurably, in both the House and the Senate, and their wonderful children as well.

To the Senator from Mississippi, Senator LOTT, you have been a pivotal and positive and powerful force for the good for our first branch of Government, bearing a close resemblance to what our Founding Fathers had in mind—Madison in particular—when he said he expected of the Senate ''to prefer the long and true welfare of our country.''

It is with profound gratitude we say farewell and wish you well. God bless you and Tricia and your entire family.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I rise today also to express my friendship and gratitude to the great Senator from the State of Mississippi. When I think about comments that have been said about his effectiveness, I have to say from this side of the aisle, we have lamented his effectiveness from time to time—and appreciated, as well, the desire and the practical side of the Senator from Mississippi, to want to get things done, to be able to make things work. I, for one, am very grateful for that.

I am assuming some of that comes from having been on the staff side as well as having been in the House and the Senate and learning how things work and valuing governing, valuing relationships, and wanting to get things done.

Back in my home State of Michigan, when I talk about the legislation Senator LOTT and I have championed, folks raise their eyebrows. What are you two doing working together on something? I talk to them about the fact that if it weren't for Senator LOTT and his leadership, joining with me, we would not have achieved something important earlier this year based on legislation we introduced to provide more competition in the area of prescription drugs, and to lower the price of prescription drugs through the ability of generic drugs to come into the marketplace. We were successful in amending the FDA bill. It got tough in conference. A lot of folks didn't want to see those loopholes closed. I thank TRENT for hanging in there or we would not have achieved that. Businesses around the country will benefit from lower prices on prescription drugs for their employees as a result of your leadership. Seniors will benefit as a result. I thank you for stepping up at the time when it was not easy to do.

It has been a great pleasure to work with you in many different ways. I have to say also, always to me you have been a southern gentleman. I, too, never thought in my wildest dreams I would wear a seersucker suit. Along with Senator SNOWE, and with the help of Senator FEINSTEIN—who chided and pushed and persuaded all of us, and helped all of us be able to find seersucker suits—we have all joined and had a great time every year being able to come together for that great picture I have in my office.

I know you will be missed on both sides of the aisle. We understand that you understand the process. I know your book ''Herding Cats'' reflects what in fact it is oftentimes in the legislative process. But you have been able to do the herding and been able to get people to come together, and you will be known for being an extraordinary leader in the Senate.

I rise today to congratulate you, to thank you, to wish you and Tricia and your children and grandchildren nothing but happiness as you move to the

next chapter of what I am sure will continue to be a very meaningful and exciting life.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, one of the words we often hear as people talk about relationships is the word ''mentor.'' It is always assumed that the older person mentors the younger person. The record is clear that I am 8 years older than TRENT LOTT. But the record is also clear that he has acted as my mentor as I have come here to the Senate.

We have all heard about his legislative accomplishments. I wish to pick out three items of my relationship with TRENT where he has taught me things that have been valuable. When TRENT ran for the whip position, I worked for the election of Alan Simpson. I didn't know TRENT all that well. Alan and I were friends from long ago. We first met up in the family gallery when our respective fathers were being sworn in as Senators. He introduced me to his child bride and I introduced him to mine. He made the Simpson-like comment. He said:

Having married younger women, this means in our older age we will smell perfume instead of liniment.

After I got to know TRENT and appreciate his abilities, I made the comment, If I had known you to have been as good a leader as you are, I would have voted for you in the beginning. He corrected me and said, No, your relationship with Simpson was so strong and so personal that you should have supported him, and I didn't even ask you because I respected that relationship.

That was a very important thing he taught me there about relationships and commitments that I have tried to remember ever since.

Second: As a freshman Senator who was sure I understood the institution, I moved out aggressively in a variety of circumstances and suddenly found myself caught in a vice between two very senior, very powerful, very opinionated Senators, whose names I shall not disclose.

I didn't know what to do. Whatever I did, I would offend one or the other and both of them had reputations for very long memories and determination to take revenge. In my moment of great panic, I called TRENT and laid this before him, more or less seeking some kind of balm or salve, and received instead a solution. He, with his expertise, knew how to maneuver between these two giants, and what was in some ways my most difficult day in the Senate became, with TRENT's help, one of the better days I experienced in the Senate, as I watched these two clash together, with me on the sidelines, staying out of it because of his help. He taught me again: Don't get yourself into that kind of problem in the first place.

Finally, emotions run high around here. People get all wrapped up in the issue of the time. We had one of those, where some members of the Republican conference deserted leadership and there was a sense of great anger. Some people were talking about retaliation. TRENT taught me this great truth. He said: The most important vote is the next one. Do not allow your concern over that vote to damage your relationship that you may need on the next vote.

Those among us of the Republican conference who wanted to retaliate—TRENT did his best to say to them: No, don't carry that grudge, don't carry that forward. Understand, the most important vote is the next vote.

Those were the three things I wanted to highlight that I have learned from TRENT. But I want to point out that he himself, when the blow fell—as Senator SPECTER has said, in a vastly overblown reaction to an appropriate comment—he himself demonstrated in his own life his commitment to those principles. He did not allow anything that had happened as a result of that to destroy his relationships, the friendships he had built. Even if there were some who could have been attacked for having abandoned him, he did not attack those relationships. He did not show any desire to retaliate. He may have felt it. Indeed, he would not be human if he didn't. But he came back to the Senate with his optimism showing, his determination to stay calm, his determination to stay engaged and not allow a sense of revenge or retaliation to take him over. That, of course, served him in good stead when he was returned to leadership by the same massive majority that he had when he took the whip's job the first time—by 1 vote.

This is a man we shall miss. This is a man who has taught us a lot. This is a man who served as a mentor to me, and because of him, I now own a pair of white bucks.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, once upon a time in the spring of 1968, even before TED STEVENS was a Senator, a young man with carefully combed hair came from Pascagoula, MS, to Washington, DC, and he moved into a spare bedroom in the house at the corner of Klingle Street and Foxhall Road.

It was almost 40 years ago. I remember it very well, because I was already in that house along with four other single young men in our 20s. Our new resident from Mississippi was different in several ways than the rest of us. No. 1, we were single, and he was married. Tricia and Chet, then a baby, were still back in Mississippi. No. 2, he was a Democrat and we were Republicans. But at that age, that did not matter to us very much.

And No. 3 is—and this is hard for anyone in the Chamber to imagine, for me even to say—I remember him as quiet.

Maybe it was because he did not stay long, because he remembers that we were noisy—playing the piano, staying up late, as he said yesterday, having parties, and then getting up at 6 a.m. in the morning and going to work.

So for whatever reason, maybe because of those differences, our friend from Mississippi moved out after a few months. Tricia and Chet came to Washington, I believe, and he continued his job with Mr. Colmer, the Congressman, from the area where he grew up.

My other roommate was Glover Robert, who was from Gulfport and who had introduced us all to TRENT, and who later was TRENT's campaign manager in his race for Congress. I can remember Glover saying at that time that everybody in Mississippi knows TRENT LOTT is one of two young men in Mississippi who is going to grow up to be Governor of Mississippi. The other young man who Glover talked about was THAD COCHRAN, who we also met that year in 1968. He was also a Democrat in 1968. Neither of them grew up to be Governor of Mississippi, at least not yet. But one became the chairman of the Appropriations Committee, and one became the leader of the Senate, and both are our friends.

Now TRENT, after 35 years in Congress, is moving on to the next chapter of his life. I understand his decision. We talked about it. As far as anyone can say from outside the Lott family, it looks like a wise decision on a personal basis. But on a personal basis too, I am truly sorry to see him go, because over those 40 years, we have been in different places most of the time—I mostly in Tennessee, he mostly here—but we have stayed in touch in many different ways.

When our roommates got together at the Governor's mansion in Tennessee in the 1980s, I remember reading to the group after dinner from a book on manners. When I came to the Senate, I received a book, ''George Washington's Rules of Civility,'' that was inscribed, ''To my friend, Senator Alexander, the history professor, Trent Lott.''

In 1986, I became a little bit exasperated with the House Republicans from a distance and I called up TRENT and said: What is going on? Are we Republican Governors and the House Republicans on the same page? He introduced me to Newt Gingrich, and a group of the Governors and the Republican leaders in the House met at Blackberry Farm in the Smoky Mountains for a whole weekend and had a terrific weekend, in terms of charting the future course for our party.

A few years later I came to Washington as Education Secretary and immediately turned to TRENT—who was always in some sort of leadership position, usually some different one—for advice and support.

Those who follow the Senate know that TRENT has, along the way, taught all of us various lessons. He has especially taught me lessons, particularly how to count. It is because of TRENT

LOTT that a year ago, it was necessary for me to write 27 thank-you notes for 24 votes in the race for whip. I have worked hard to learn my lesson from him over a period of time.

About 6 weeks ago, TRENT and Tricia invited my wife Honey, me, and the Greggs down to their home outside Jackson. We spent a weekend. It was following up a nice weekend we had had in the mountains of Tennessee sometime earlier. Most of the remarks today about TRENT have been about TRENT in Washington, DC and they are all very appropriate. And here in the Senate we often think of TRENT as having the wiliness of Lyndon Johnson and the joyfulness of Hubert Humphrey—two other great figures in Senate history—but it is more fun to see him in Mississippi. Going through the airport, every single woman in the airport in Mississippi wanted to talk to TRENT LOTT, and he talked to them all of the way through the Jackson airport.

To see the number of buildings in Mississippi already named after him—and he is not even dead yet—and to see the beautiful home they have outside Jackson, MS is something to behold. JUDD and I counted five different tractors in his garage, and we rode in most of them. We should have known, or I should have known, from seeing how happy he is there and how much he loves to do this, that his mind was probably more on becoming farmer of the year in Mississippi than it was on spending another 5 or 10 years in the Senate.

TRENT, transitions—I have had a number of them—are not always easy, but they have been for me the most rewarding parts of my life. I believe for you and Tricia this next transition will be the same—liberating, not entirely easy, but perhaps the most rewarding period of your life.

I tried to think of some words that would describe it, and I thought of words that better describe the Smoky Mountains where I am from than the Mississippi area where you are from. But the thought still applies. They are words from Emily Dickinson, which say:

> Goodbye to the life I used to lead and the friends I used to know. Now kiss these hills just once for me, for I am ready to go.

It is a reassurance for us to know that you are not going far. I hope it will be reassuring to you to know that you are not going far, that your old friends are still here and we are still your friends.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, let me note—it has probably been noted here on the floor already—that it is so much nicer to hear your eulogy in person than afterward. In many ways you know it is more heartfelt because the Senator from Mississippi is here and has the ability to correct it, something he would not have 40 years or so from now when he might rejoin his Maker.

I think, though, about TRENT LOTT. TRENT is one of those Senators who has great respect on both sides of the aisle. I think it is because he is from the old school. I do not want to damage his reputation in Mississippi to have one of the more liberal members of the opposite party praise him, but I do it easily. Because, as I told TRENT within an hour after he made his announcement—we were on the phone, and I told him that one of the things I liked about him is he followed that rule Mike Mansfield told me my first week here in the Senate: Senators should always keep their word. Every time Senator LOTT and I have worked together, to find our way, sometimes through a very tangled parliamentary or legislative morass, we got through because I could always count on him once he made a commitment to keep his word and he would keep his commitment. I think he knows I did the same with him. As Senator Mansfield tried to instruct all of us, those of us who were here at that time, this is the mark of what a real Senator should do. Because while you may disagree on one issue, you are going to be allies the next day on a different issue. And that is what makes the Senate work best.

Marcelle and I have had the opportunity to travel with TRENT and Trish, and I must admit this is a great deal of fun. I think he even has some of the photographs I have given him from some of those trips. As they have told me in Vermont, on occasions when he came up, a number of Vermonters came up to me afterward and said, ''Boy, the Senator from Mississippi is really good looking.'' I said: ''Well, yes, he is.'' ''He has got all of that hair.'' I said, ''Yes, he does.'' And they said, ''He can really sing well.'' And I said, ''I do not need to talk with you anymore.''

They would go on. Those trips—and I will close with this—one of the reasons why more of us should take such trips, bipartisan trips, is you find that you have so many things in common. Trish and Marcelle would talk about children and their hopes for them growing up. All four of us would talk about the difficulties in maintaining homes in our home State and in Washington, and doing it if you are not wealthy. We would talk about those things where we felt the Senate should come together. We talked about our backgrounds, our faith, our hopes for this country. I think somebody listening in would have been hard pressed to know which one was the Democrat and which one was the Republican.

I have served all these years with TRENT LOTT. I will miss him as a colleague, but I might say I will miss him especially as a friend.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Texas.

Mr. CORNYN. Mr. President, my State, like many States, has produced some political giants: Lyndon Johnson, Phil Gramm, John Tower, many great political figures. But one I recall specifically: Bob Bullock, a Democratic Lieutenant Governor in what was generally considered the most powerful political position in State government. I remember one time he said that there are two types of politicians: one who wants to be somebody, and the other who wants to do something. Most decidedly, TRENT LOTT is of the latter category.

I have heard comments today about his great ability to compromise. I think compromise is in and of itself overrated. Compromising with principle, looking for common ground while staying true to your convictions and your principles, is an art and one that TRENT LOTT has practiced throughout his congressional career.

Since the foundation of our Nation, Congress has been the workplace for many men and women who have come from modest beginnings and who took it upon themselves to shoulder great responsibilities. They have undertaken the noble yet difficult work of governing in the best interests of the American people. This has always been the defining characteristic of our country. In Lincoln's phrase: Government of the people, by the people, and for the people. This year, after more than three decades of public service in the Congress, we bid farewell to a man who has embodied this notion.

TRENT LOTT from Pascagoula, MS, always took to heart his responsibility as a representative of the State and he has never lost touch with his roots. We have heard reference to his memoir, ''Herding Cats,'' which I told him, after reading it: It was surprisingly good. He said: Why were you surprised? I said: I am not going to go there. It was surprisingly good.

But he answered one particular critic in his memoirs by saying: I ascended to the leadership of the Senate because I was from the Magnolia State. I found this to be a telling statement about a man who not only represented his State's interests but sought to represent its character and was literally impelled to public service.

As we know, he served Mississippi in both the House of Representatives and the Senate, in the majority and minority, through the administrations of seven Presidents. He has experienced just about everything a life in politics has to offer—the good, the bad, and the ugly. When his beloved home State was hit by a natural disaster named Katrina, he made it his top priority to see that the people of Mississippi were shepherded through the most difficult of times. Throughout his life and service, Senator LOTT has served his home of Mississippi with unflinching resolve. His principled and dedicated service has earned him a national reputation as a strong leader. His fervent desire to solve some of our Nation's biggest problems has put him at the forefront of national politics.

TRENT has always sought to find common ground on important legislation, and there is no doubt in my mind his absence will be profoundly felt. But as many have already observed, Senator LOTT has paid his dues. He has

done his time. He has served his State. He served his country. So while it is with sadness we say goodbye to a colleague and a statesman and, most importantly, a friend, it is with great joy that I wish Senator LOTT the best of luck in the next stage of his life.

TRENT, thank you for everything you have done for our country, for the Senate, this great institution, and for everything I have learned from your example. I know you and Tricia have a bright future ahead, and I know you especially look forward to spending more time with your children and grandchildren. We wish you the very best.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to say a few words about the retirement of my friend and colleague, Senator TRENT LOTT. TRENT has visited Colorado. However, he complained he was kept busy and couldn't appreciate Colorado's vistas. Now he will have time to appreciate the great State of Colorado, and I invite him to revisit us because he will have time.

TRENT was majority leader when I came to the Senate in 1997. A large percentage of the views I have of how this body should work and how we can best come together, despite differences of opinions and goals, was formed watching TRENT LOTT shepherd through legislation organizing 100 competing agendas into a manageable schedule. I have always felt we were sent here by the people of our States to solve problems and achieve results. I know ideas can and do vary as to what solutions are or even what the problems are. That makes the end goal of finding solutions most of us can agree to that much harder and the skills required to do so much more rare. The Senate has been lucky to have TRENT in our midst as we worked through the pressing issues of these times.

It should be noted TRENT has done his work here, all the while remaining a genuinely decent man and a true gentleman. He is, everyone agrees, a fundamentally nice person who enjoys the human contact and personal relationships that come with his position. He enjoys working on behalf of the people of Mississippi. He has represented their interests well, and they have made it clear they approve of his service.

TRENT attended Pascagoula Junior High, which is now called TRENT LOTT Middle School. He is truly an example for future Americans to emulate. I join my colleagues in thanking TRENT and his wife Tricia for their service and thank God for providing him to public service in the Senate, where I personally know of his service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to pay great tribute to TRENT LOTT. Similar to so many on the floor, I felt compelled, had a great desire to come to the floor because of my deep respect and affection for TRENT. I mean that.

It is probably a great testament to TRENT, given those very deep and sincere feelings of mine, to remember how we were introduced politically. I was running for Congress and he endorsed my opponent. For a lot of people, it would have meant that person would never have built a strong working relationship with the other or it would have taken a long time. For TRENT, it took about 5 minutes. After I won, he called me and congratulated me and explained that my opponent was a former colleague of his and a friend and he felt loyalty and affection for the person. But the past was the past and the future was the future and he wanted to build that same friendship and sense of loyalty with me. So that was that.

It wasn't just words. He put that into action and made it perfectly clear from the beginning he was sincere. That is TRENT. That is probably the first and one of the most important lessons he imparted to me.

I will always feel privileged to have learned other lessons in two particular settings. One, I was honored to be asked to join his whip team over the last couple years, and I did so. I have learned an enormous amount as a member of that team. I will always remember his being very forthcoming in asking me for advice and ideas and what I thought about this or that, all the while paying compliments about my insight into things. I will remember it not because any of those compliments were true but because it showed his spirit and effectiveness at including people, getting the best out of them and bringing folks together.

As a member of his whip team, I will also always remember and appreciate his taking me under his wing and trying to help me develop relationships and friendships with other Senators more and, as he would put it, be able to ''schmooze'' more effectively. I hope, TRENT, you continue your work with me, as you join the private sector because obviously we still have a long way to go. But I appreciate the spirit of that work.

The second setting that is so important, in terms of my personal experience with TRENT is, of course, the experience of Katrina and dealing with that horrible hurricane. There couldn't have been allies in terms of our recovery work than TRENT and Thad. I will always be deeply indebted to them for all their work on behalf of the entire gulf coast. In south Louisiana, occasionally in the press there would be some story or comment resentful toward Mississippi in terms of the recovery, saying they got this per capita and we got this; we didn't do well enough. I would always explain that, boy, they got it exactly wrong. Because our best allies throughout all that horrible experience were TRENT and Thad. Were it not for them, we would not have fared nearly as well. I will be the first to admit that. I thank them on behalf of my State for their tireless efforts on behalf of the entire gulf coast.

So, TRENT, I join everyone in wishing you and Tricia and your family all the best. You deserve it. I know this is not the end of anything. It is the beginning of new great things. I look forward to our continuing tutorials on schmoozing and maybe even getting me to wear a seersucker suit someday.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, those of us who come from the South take great pride in our heritage. Part of the heritage we are very proud of is the fact that whether it is the State of Mississippi that sent John Stennis and Senator Eastland to this body or whether it is my State that sent Richard Russell and Paul Coverdell and Sam Nunn, we are very proud of the folks we have sent to the Senate. Come January, we are going to add the name of TRENT LOTT to those great men who have represented the South in this body.

When I think of TRENT LOTT, I think about something that a lot of people probably can't relate to, but he and Thad will directly relate to. TRENT is the epitome of the genteel southern gentleman, married to a beautiful belle with whom he went to college.

In the fall in Oxford, MS, there is a special occasion that takes place on football Saturday afternoons. They have a place down there called the Grove that is unlike any other area I have ever been to on any football afternoon. The Grove is what one might think. It is truly a beautiful spot with trees and green grass. All the University of Mississippi football fans gather in the Grove and, instead of backing up SUVs and pickup trucks with beer kegs on the back, as we do in Athens, they pull out silver goblets, white tablecloths, chandeliers on the table, and they enjoy a great festive atmosphere. TRENT LOTT brings that same gentility, that same mannerism of our part of the world to the Senate.

A couple of quick personal anecdotes that somewhat relate to that. TRENT has a way of being able to look at somebody and, whether it is trying to figure out how they are going to vote, what they are feeling like that day or whatever it may be, boy, he can get right to the heart of it. I am reminded of when I was thinking about running for the Senate back in 2002. TRENT came to me in the summer of that year. I remember this conversation like it was yesterday.

He said: Look, I know they are working on you to run for the Senate. You and I have been good friends for several years during your House days. I don't think you have got the fire in the belly. Unless you do, you better not run.

He was exactly right. About 6 months after that, he came to me again and said: I have heard you speak more and more about what you want to do, and you have the fire in the belly. It is the time to run.

The other anecdote I will never forget about TRENT is that during my

campaign, we had a farm bill we had finished in conference. It was a late farm bill that year. It was in the early spring of 2002. I needed to be all over my State campaigning. Unfortunately, I got stuck in Washington for a weekend with the farm bill conference. TRENT was coming to Georgia to campaign for me. I told him: TRENT, I am not going to be able to go. I feel bad about this. He said: Don't worry about it. Stay here and do what you have to do. Julianne and I will take care of this.

So he went to Georgia, spent the whole day traveling around to five different events in different parts of my State, drew big crowds because he was TRENT LOTT.

He called me up on Sunday morning when he got back and said: SAXBY, I got this thing figured out. I know how you are going to win this campaign. What you need to do is stay in Washington and let Julianne and me take care of that campaign for you.

TRENT is one of those people whom those of us junior Senators looked up to from day one. As I think back on my class, LINDSEY and a couple of us served in the House together, where we got to know TRENT. But whether it was ELIZABETH or NORM or LAMAR or others in our class, from day one, TRENT has been one of those individuals whom we admired so greatly because of his knowledge of the institution, because of his ability to come to you when you knew you were struggling with an issue. He could talk to you for 2 minutes and all of a sudden you would feel better about whatever it was you were struggling with. That is the kind of person TRENT LOTT is and that is the part about TRENT LOTT I truly am going to miss.

His office happens to be right around the corner from mine. There is many a day we will be on the elevator together going back after a vote. He will start picking at me about something. He will say: I know you have been worried about something. What is it? Invariably, again, he is right. He has had the ability to say a couple words that all of a sudden changed my perspective on whatever the issue was I was struggling with.

So, TRENT, we are mighty proud of you as a Southerner. We are mighty proud of you as an American. And we are certainly mighty proud of you as a Member of this body. You are truly going to be missed. But I treasure the last 13 years of having the privilege of serving with you in my House days as well as my Senate days.

God bless you, and may God bless your family.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate so many of these remarks. I would like to say a few things about TRENT.

I think TRENT's strength, first, is his roots. He knows where he came from. He knows how he was raised. He is loyal to his constituents and his people. He loves the people of Mississippi, and they love him. If he chose to move to Alabama and run for the Senate, he would be a winner there. He is well known in our State. He used to have a television program with the three Congressmen from that region, the ''Gulf Coast Report.'' It went for 35 years. It ended last year. He started that with former Congressman Jack Edward of Mobile and it had such a tremendous following. In fact, it was front-page news in Alabama when TRENT LOTT announced his retirement.

Secondly, TRENT was at the forefront of what clearly has been a historical movement of mainstream Republican thought in the South. It has been a trend that has been steady and strong and has shaped the Nation. It ended up helping provide a Republican majority in the House and the Senate to accomplish things that would not have been accomplished otherwise.

I am not that much younger than TRENT, but I remember when he made that fateful decision to run for Congress as a Republican in Mississippi. Those of us who were following politics at that time knew his decision was an important one. We young Republicans, throughout the South in particular, all watched with tremendous interest to see whether he would be successful. He and Thad both were successful that year. It was a movement of significant historical importance because many have followed his path.

TRENT has had an incredibly wise way of dealing with people. I remember sitting right over here, having not been here long, and a very important bill was on the floor. A very critical amendment was being decided, an amendment, if it had gone the wrong way, could have derailed the entire legislation. I had reasons to vote against it, but I had not made up my mind. There were a lot of reasons I could have voted against it. Some good friends were on the other side. He sidled up to me, and all he said was: Look at old Phil. This is his first big bill on the floor. It would be a shame to see him lose that bill.

(Laughter.)

He did not say any more. Those simple words touched my concerns, and I thought about them for a day and a half before I decided to vote with Phil and TRENT. He had a gift to sense your concerns, to know where members were.

I will mention two other things I think were of historical importance.

We could not agree on how to handle the impeachment. TRENT was the leader of the Senate. The Senate was supposed to try the House charge of impeachment. The Chief Justice who sat back here off the floor was asked: What procedures shall we use, Mr. Chief Justice? He leaned back in his chair and said: Well, it is the Senate's job to figure out how to conduct the impeachment trial. That is what the Constitution says. It is your problem, not mine. And still we could not agree.

TRENT thought and worried and did everything he could possibly do to reach an agreement on procedure. That agreement could not be reached, so he took an unprecedented step of calling the Senate together in the Old Senate Chamber. Do you remember that? That is when we had, what TRENT called, the great epiphany when Ted Kennedy and Phil Gramm spoke up and an agreement was reached. We did not embarrass the Senate. We did our duty. We followed through successfully. We met the constitutional responsibility we had. He was creative in trying to impress on us the importance of reaching that decision.

I can think of another one from the Republican side. In our movement in 2001 to reduce taxes the vote was close, with every single vote critical. Senator DOMENICI was the Budget chairman at that time, and I believe the critical vote was over the budget reconciliation. TRENT called a meeting of the Republicans in the Senate Chaplain's office.

(Laughter.)

The room has a high arched ceiling—so I guess we had a prayer meeting up there. You could look down the Mall and see the Washington Monument. Such a location had never been used before or since. There were a couple of votes TRENT had to have. He knew; he could count votes. Maybe there was just one vote he had to have. So that meeting was orchestrated carefully, and it worked. Our tax cuts passed, with every vote crucial and ultimately on the floor the vote was a 50–50 tie, with the Vice President breaking the tie. For 10 years, however, we will have had tremendous tax relief for Americans. It has surged our economy.

Without a truly skilled leader in both those instances, this Senate could have gone the other way and the history of our country quite differently.

I have enjoyed my friendship with TRENT LOTT and Tricia. I think he is a fabulous leader who has done remarkable things for our country. It has been an honor to serve with him.

If you come to Alabama, you can have my Senate seat, TRENT.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. TRENT, this is the time, on an occasion like this, where somebody always rises and says: Whatever could be said about this subject has been said, it is just that everybody has not said it yet. But in this case, it is not true. We have only been talking for 2 hours 7 minutes. It would take a lot longer than 2 hours 7 minutes to say all the things that could be said about your distinguished career.

But there are two things I wish to say, the two most powerful words in the English language: Thank you—first, on behalf of the late Paul Coverdell and his lovely wife Nancy.

I will never forget in March of 1993 meeting Paul—as I had for 20 years, as I led the Georgia House and he led the

Georgia Senate—at the International House of Pancakes in Buckhead at 7 a.m., his first time back in Georgia after being sworn in. I had him tell me about the place known as the Senate. All he could talk about was TRENT LOTT. He said: JOHNNY, TRENT LOTT has the two Ls. He can legislate and he can lead.

So on behalf of Paul, whose legislation—the Coverdell Education Act, and many other things—was done here, thank you for what you did for him. I know you always have shared with me how much you appreciate what ''Mikey'' did for you.

But, secondly, TRENT, thank you on my behalf. If every one of us in this room stood up and thought about it, we could take a specific incident that in our career has been accomplished that would not have happened were it not for your insight, your leadership, and your commitment.

For me, it was the pension bill last year and the pension of 91,000 Delta employees in Georgia. We got down to the lick log, as they say in Georgia, on the last day, in the last hour before the August recess. Bankruptcy was pending, and it was almost over. Thanks to your tenacity on Finance and your care and your willingness to be able to do what you did, that legislation passed. I got the credit, but the benefit belongs to you.

Thank you for what you have done for all of us.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise to pay tribute to my friend, my encourager, my mentor. Mae West once said: Marriage is a fine institution, but I am not ready yet for an institution.

Reflecting on the comments of my colleague from Georgia, I think when we get here, I don't know how many of us are ready for the institution. What I had—and what I know my other colleagues had—in TRENT LOTT was somebody who put his arm around you. He shared with you the importance of your word is your bond, the importance of family—more than things you can read in a rules manual or a procedural manual but the history of the heart and the soul of the institution, embodied by my friend and my encourager, TRENT LOTT.

This Chamber has been home to some of the great statesmen in American history. I say this not with hyperbole or superlatives, but I say it as a matter of established fact: that among the great statesmen in the history of this country, one is sitting in this Chamber today, who will move on to do other great things, I am sure.

Similar to me, he governs from the bank of the Mississippi. It is a little colder where I come from, the State I represent. But he is an outstanding representative of the heartland, the heart and soul of America.

On my way to the Senate complex, as I walk through, I sometimes stop and take a look at the words that are written in one of the office buildings by Everett McKinley Dirksen. I wish to read these words because this is inscribed on the wall: ''His unerring sense of the possible that enabled him to know when to compromise; by such men are our freedoms retained.'' Such a tribute belongs to TRENT LOTT.

Freedom requires that we all express our views strongly and to do that on the floor. But in the end, you need those who can knit together, who can craft legislation. We all have stories of being in Trent's presence and watching him do that. He truly is today's current master of the Senate. He understands the art of what it takes to get things done.

Some of us have said the worst sin in politics is not knowing how to count. If that is the case, then TRENT is pure as the driven snow because he knows how to count. And not only knowing how to count, what he does is use that in a way to kind of guide us to ultimately get things done. That is what it is about.

I believe what we are suffering from in this country today is a deep partisan divide. So the American public looks at and wonders about our ability to do what we have been elected to do. If there is somebody today who has the antidote to that infection, it is TRENT LOTT. Because in the end, that is what he strives to do.

We all have our stories. I served on the conference committee on homeland security to reshape the way in which we do intelligence, to look at somehow getting rid of the silos that were problematic on 9/11 that the 9/11 Commission talked about, and to figure out a way to put together a system of gathering intelligence which works together, is seamless.

I watched time and again, when it seemed like we were not going to get it done—and it was not, by the way, partisan; it was not just Democrat versus Republican; sometimes it was House versus Senate—and I can tell you, almost every time, on every occasion—and Chairman COLLINS could tell you the same thing, and Ranking Member LIEBERMAN could tell you the same thing—at the moment you needed that, where it seemed like it was not going to get done, the voice that arose was the gentleman from Pascagoula, the Senator from Mississippi, who would offer a little something that would kind of pull us back together and move us forward. In the end, we passed the bill. The Nation is better for it.

I had the opportunity earlier this year to be honored with Senator LOTT by the Ripon Society, with the Theodore Roosevelt Rough Rider Award. That is, by the way, the progressive wing of the Republican Party. TRENT got up there, when he received his honor, and said: Before I got here, I used to be called a conservative.

He is still a conservative, a principled conservative. But the reason he was recognized by the Ripon Society—and I think by folks regardless of what side of the aisle they are on, what side of the political spectrum they are on—is because of his incredible ability to find common ground, to pull people together.

In Minnesota, we all know of the Scandinavian who loved his wife so much he almost told her. There are many in this institution who care so much they almost get something done. But TRENT LOTT is one of those who both cares so much and he gets things done.

I thank the LOTT family for sharing him with our Nation. I know the foundation of TRENT's service is commitment to freedom, to faith, and to family. That is about as solid a foundation as one could have. That is something this first-term Senator has seen, has appreciated, and carries in his heart.

I thank him for his lifetime of service to all Americans. I ask that God continue to bless TRENT, Tricia, and the Lott family.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there are others seeking to be recognized and I shall be brief. But I think of my good friend in many ways, not the least of which, we are two Senators who stood in the well in kilts with our knobby knees showing and voted—to the astonishment of all our colleagues.

You have helped me through the years in many ways, particularly on the Defense bill. You have served on the committee. When that bill was dogged, disparaged, cast aside, you always were there to bring it back, sometimes six or seven times in the course of the spring, until we were able to pass it, always, always being guided by your heart and your concern for the men and women who wear the uniforms and their families.

But I wish to speak of you in a very personal way. We had our differences in elections. Like BOB BENNETT, I was on the Alan Simpson team. I remember sitting in your office discussing that and voting for Simpson. You won, but you never held it against me or BOB or others. That is the way you managed this institution.

But I think back on my own career, insignificant as it is, and I reflect on the fact that I have been privileged to serve with 271 Senators in the 29 years that I have been privileged to serve. My dear friend THAD COCHRAN and I have that record together as we came to the Senate in the fall of 1968.

What I didn't know about the Senate—and surprisingly, I had the opportunity as Secretary of the Navy to come here for 5 years and testify many times and to come and respond to the calls of Members who, for whatever reason, wanted to talk to the Secretary about their particular problems—I never realized how all-consuming this body would be in terms of it becomes your family, they are your friends, and those bonds continuously grow year after year. When one Member is celebrating exhilaration, accomplishments,

be they on the floor of the Senate or be they in private life or whatever the case may be—winning an election, as THAD and I have done five consecutive times—you share those moments. But you also share the moments when a Member is faced with despair.

They often say the fall may be painful, but the road back is doubly challenging. I have watched you in those situations, and the strength that you and your lovely wife exhibited has been instilled in me. I pray to God that I never face some of the challenges that faced you: the devastation brought to your State, your graceful stepdown from the leadership, and your comeback, your magnificent and courageous restoration of your career in full—I say to you, Senator—in full. You made a tough decision, as I have done, not to return to this body and to our dear friends, but you did it on solid ground, and all of us join in our hopes that in your next challenge in life, you will make a contribution to this country you love, to the State you love, and to the Senate you love. Thank you for your friendship.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, this statement comes from the back row but no less love from us back-benchers. Let me tell you the Senate career that, for me, now completes 3 years has known no better friend than TRENT LOTT. I have certainly appreciated your willingness to mentor me. I was astonished to hear that BOB BENNETT considered you a mentor. I thought you did that for those of us who have just gotten here but, frankly, it looks as though you mentored about everybody in the Senate. So I consider myself very fortunate.

I think back to when we first met. I was first here in Washington as Secretary of Housing and Urban Development, and TRENT was the leader, the Republican leader of the Senate. We had occasion to meet, and shortly thereafter we were building a habitat for humanity house on a cold day, much like today, and I got the opportunity to know him on a more personal level and get to know Tricia as well. That has only endured and continued. I also very much appreciated you shepherding my nomination as HUD Secretary through the Senate, which I know was no easy lift, but you have my gratitude, in fact, then and now.

But, to me, as I look at my short career in the Senate, there was no issue that punctuates my time more than the very divisive issue of immigration. You didn't need to get involved in that—you really didn't. I know a lot of people in Mississippi probably wish you hadn't. The fact is, you saw a problem that needed solving. I remember you saying: Is there a problem? In fact, there was. And does this bill improve the situation from what it is today? And you said that it did, which I agreed with. Then you went on about trying to solve the problem, which is a quality that I greatly admire. You were moving the ball forward. You were trying to do what in your heart you felt was best for the Nation and something that would, in fact, move the ball forward and get it done. So you courageously worked, I know, sometimes against the grain. But I, for one, would rather have no one in a foxhole than TRENT LOTT during difficult times when they are lobbing them in at you.

So I very much appreciated the fact that you taught me a great deal in that difficult time, but also throughout my time in the Senate. I very much thank you for taking an interest in me and in my career, and I very much thank you for what you have done for our Nation and for your State.

As I look forward, my Senate career will be diminished by not having the opportunity to continue to work and learn from you, but I am grateful for the time I have had and what I have learned by your side. Thank you very much for your service and all the best to you and Tricia.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me first say of Senator LOTT I must make a slight confession. You know I am leaving next year, and one of the reasons I am leaving is because I have an ailment that has an impact on my brain. I say that in all honesty. I already told the whole world that. The point of that is I have difficulty remembering some things. I still am a pretty good Senator, so nobody is fighting about that. I just know that you and I have gone through some incredible legal situations, legislative situations, and I am trying to pull them up now in the next few minutes just to share them with you and to share them with everybody here.

I have been here 36 years, which is a little bit longer than TRENT, and that is six elections. You must know that I was in the middle of a lot of things or I couldn't have been here 36 years. I am not a back-bencher or an under-the-tabler. I am where the action is, and I lucked out on the committee that did a lot of exciting things.

One of the things TRENT LOTT has taught me about leadership is that it is quiet. It takes place without you knowing it is happening. That is what you did. When we had to put together the votes for the balanced budget and for the reconciliation tax bill, which was one of the most monumental acts, and we had to use that Budget Act drafted by the distinguished Senator BYRD and he didn't quite think we would be able to use it the way we did, and we had that battle and we won that on a vote, then we were using it to reconcile tax cuts for America. It is hard to explain, when you would get everybody around and then you would say: We are almost there, but we are not there. And here I am, I have been working on it forever, and we have this very unique process, and we just have to get the votes. We can't come back a second time on this kind of thing. We will get killed. It has to go right now. He would say we are one vote short or two, and you just knew that it was going to happen. He knew what was there, and when he would tell us to go, we would go, and sure enough, that is how it happened.

So I have had all kinds of situations, from the huge balanced budget, to—I remember when we reformed welfare. Many of these things came from the budget process, the way I used it on behalf of the Senate. We put in the numbers so that you couldn't avoid—if you did the welfare reform, you would get the protection of the budget. And I can remember that was an exciting day because it all of a sudden became bipartisan.

Do you recall, TRENT, that it didn't end up with just us; it was them. They came to the party, and so ultimately did the President. It was one great big party. But it was also, in the end, absolutely imperative that we had the reconciliation instruction that came with it that Senator LOTT—he wouldn't fuss with me. He wouldn't ask me to prove it. He would just say: Is that the way it is? I would tell him yes. And he said: Well, that is what we will do.

It was just terrific to be a chairman of important matters and have a leader like TRENT who would say: If that is what it takes, that is what we are going to do. We didn't redo it or rethink it because it got tough. Many times the path I chose was probably the harder one. He would say: If that is the way we are going to do it, we are going to do it. It was rather terrific to be part of a team like that.

Now, I want to tell you, it works both ways because TRENT LOTT was on the opposite side of something very important when he was over in the House. We did a Social Security change here to permanently fix Social Security—we thought—and TRENT—we heard from over in the House that the rocks and the stones weren't coming from the Democrats.

We said: Where are they coming from?

They said: They are coming from TRENT LOTT.

I said: Well, maybe I have to go over there and talk with him.

Then I said: Well, maybe I won't. Maybe I will just let him stew.

It was something Reagan was for and we were for, but his little team wasn't for. I think they were right. I think we made a mistake. But we didn't do that. We didn't get it done. Do you remember, TRENT? It died. You were over there and, clearly, you knew what you were doing, and I don't think you liked it very much because it was Republicans against Republicans.

But we did get back together, and for the one angst we had many memorable pluses that are just terrific when it comes to thinking back on the life of the Senator over a complicated, tough period of time, when we learned how to use a Budget Act for innumerable

things. In fact, the Budget Act was used, over a period of 16 years, by me, as chairman, with my staff, as an instrument beyond which anybody ever thought it would be used. It changed how we functioned as a Senate because it permitted us to do things through the reconciliation process that were absolutely impossible without that act.

Then we got around to the balanced budget. That was the big monster event of our time. We had to get that done, and we got it done, sure enough, by reconciliation instruction that was really gigantic, and then sitting down in a little room that I use over here that I call my hideaway. I hope somebody puts a sign on it after I leave because that little room was the room wherein we negotiated, four people negotiated the balanced budget.

TRENT was the guy who would come in every now and then to see if we were making headway and see if we needed help. It was Speaker Gingrich, myself, and somebody from the White House. Sure enough, when we were through, he was right there by our side, having participated as if he really knew what the budget was all about. He could put on a terrific face. He didn't have any knowledge of what I was doing in there, but he just asked: Is it going all right?

Yes, all right. Is it going all right? Fine. Then he would walk out and have a terrific press conference. They would all think he really knew what this budget was about. I mean, I have to admit, you don't have to tell him very much. We were still a long ways from getting there, and he would walk out and say: They are making great headway. This is really moving ahead.

I would go home after having not slept for 2 weeks, and I would be worried that he shouldn't be saying that because we were so far apart, and all he would say is: Don't worry. Just give them a little bit of optimism; we have to keep them alive a little bit.

I close by saying, TRENT, I know what it is to sacrifice to be a Senator. I did that. I came here, believe it or not, with my eight children—and I am going to just mention it once because you had it a little bit better, not much—but the pay was about $38,000 with eight children, and we couldn't find a way to change the pay because we were scared to. That is the kind of suffering we went through. TRENT did the same in his early days. When he and his wife came here, the Senate had decided for a number of years that we did not want to pay ourselves a salary, which is one of the worst things we did. A democracy should not do that. We must pay people for these important jobs.

That wasn't what kept him going. He loved the place, and his family loved it, it is obvious. His son was ambitious and rambunctious, wanting to get ahead, and he did get ahead. He was able to do that while his dad served here, and that is truly to their betterment and a compliment.

I say thanks for the sacrifice for serving us, for serving in the Senate, and for serving our Nation. It is important you are leaving at a time when you are strong and have a lot of energy left. That means you will have a second life and you will say to me what James Baker has said at least 10 times. He said: DOMENICI, there is life after the Senate. And I say that to you: May that life be as good as the Senate or better, and may your family enjoy it as much as they have enjoyed the Senate, and may it be successful for all of them.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I know that under the previous order, it is time for the policy luncheons. There are others here who may want to speak. I see Senator GREGG may well want to speak. Senator LOTT would like to respond. Senator BYRD also wants a few minutes.

I suggest the following: that Senator BYRD be recognized for 3 minutes, after which Senator LOTT be recognized for 5 minutes, after which we recess for the policy lunches. I know there may be others who wish to speak. Hopefully we can accomplish that sometime after the policy lunches. This is the last day we are here for our respective policy lunches. These are important lunches. We are going to have to begin them shortly. Therefore, I ask that consent.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I make an inquiry of the minority leader: Wouldn't it work out well if later on during quorum calls we have an opportunity to speak and then have all those speeches appear in the RECORD in continuity?

Mr. MCCONNELL. It would be my hope and expectation, I say to my friend from Oklahoma, that there will be floor time after lunch and that any Member who wanted to comment on Senator LOTT's career can do that. Of course, we ask consent that all be consolidated at this place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise today to honor my friend from Mississippi, Senator TRENT LOTT. TRENT and I have been friends since my first year in the House in 1987.

He was the minority whip in the House during my first year in Washington, DC. Now that we are in the Senate together 20 years later he is my minority whip again.

TRENT and I have enjoyed our time together on Wednesday afternoons in Chowder and Marching. My wife Mary and I have enjoyed spending time with TRENT and his lovely wife Trish. TRENT and Trish are college sweethearts and two of the great warming personalities in our Senate family.

We are proud that members of the Lott family call Kentucky home. TRENT and Trish often come to the Bluegrass State to see their son Chet and his family.

He has served the people of Mississippi well for over 30 years. After the devastation of Katrina, the gulf coast region had no stronger advocate than Senator LOTT.

TRENT has risen from humble roots in his beloved Pascagoula to one of the top leaders in Congress. I know his family and the people of Mississippi are proud to call him one of their own.

Mr. President, I would like to thank TRENT for his contributions to the Senate and wish him and his family well as they open a new chapter in their lives.

Mr. CRAPO. Mr. President, I rise today to honor a dear friend and colleague here in the Senate whom I have served with in this body as long as I have been in the Senate. Over the course of his 35 years in Congress, Senator TRENT LOTT has developed a reputation for strong leadership, a bipartisan approach to legislating, and an unwavering commitment to Republican ideals and values. As you know, he is the only Senator to have served as whip in both the House of Representatives and the Senate, and it was under his watch as a younger legislator that our Nation saw significant economic recovery and increased national security in the 1980s that had the support of those on both sides of the aisle. Over the years, from my time in the House of Representatives to my time here in the Senate, I have looked to TRENT for collaborative examples of how to accomplish important, conservative goals such as tax reform, support for our military, and health care transformation, to name just a few. He has gained a remarkable, lasting reputation for being able to bring competing interests to the table, to work out successful answers to policy challenges—a quality that is in increasing deficit here in Congress these days. TRENT has committed his congressional service to Mississippians to furthering policies that stand for America: a strong national defense, responsible and fair tax policies that encourage economic growth, and health care that puts patient needs above Government mandates. I am especially heartened that TRENT remains unequivocal in his belief in second amendment rights.

TRENT and I have worked together over the past few years on the Finance Committee, and I have been pleased to have his support on legislation that we have moved through the committee, legislation that advocates tax policies that do not penalize Americans for saving or investing. TRENT understands that tax structures that favor small business investments, individual saving and investing, and a financial services system unburdened by onerous regulations are critical keys to a healthy economy for the United States, one that translates into a more stable global economy.

I have been pleased to host TRENT when he has come to Idaho, and I have had the pleasure of visiting the great

State of Mississippi. TRENT's retirement from the Senate, while in his best interest and in the interest of his family, will be a loss for the Senate and the promotion of conservative values here in Congress.

Mr. BURR. Mr. President, I rise today to honor a man who is my close friend but who, more importantly, is an American patriot and statesman.

Today, we pay tribute to TRENT LOTT, whom many, including myself, consider an institution within this great institution.

I have known TRENT for a number of years. He has served as an able and well-accomplished leader, a great Republican whip, and a distinguished Congressman and Senator from the State of Mississippi. A man of impeccable character, TRENT always shows the utmost respect for his colleagues and for Congress itself, always putting the interests of the country before his own. TRENT LOTT has a leadership style that I personally admire and I believe often went underappreciated. He loves this institution, and we respect him for that.

During his tenure in Congress, TRENT has been a legislative warrior fighting for commonsense solutions to our country's most difficult challenges. He does not seek credit for his achievements—they are too numerous to list—even though he has been instrumental in shaping our great democracy.

TRENT LOTT is a modest and honest man who has made the United States a better place from where it was when he first took the oath to serve in Congress decades ago. He is a true gentleman, and I have no doubt that his impressive legacy will live on for generations to come.

God bless TRENT LOTT and his beautiful family. Your service to this great Nation will certainly be missed but will never be forgotten.

Mr. ENSIGN. Mr. President. I rise today to celebrate the career of Senator TRENT LOTT—an accomplished leader, a great American, and a true friend. TRENT has spent more than three decades in Congress tirelessly fighting for a State and a people he dearly loves.

TRENT's path in life has followed closely that of the great American story. His humble beginnings, as the son of a hard-working teacher and pipefitter, established the foundation to value an honest day's work. These principles have remained ingrained in TRENT's heart throughout his historic rise to the Senate.

In his more than 30 years in Congress, TRENT has earned an immense amount of respect among his peers. Easily said, he knows all the ins and outs. While there are many things we can all learn from his legacy, the most notable of all is the power of compromise. Senator LOTT has proved to every one of us the impact reaching across the aisle can have on this country. It seems simpler these days to say ''I am a Republican'' or ''I am a Democrat'' and to leave it at that, but for TRENT Lott reaching across the aisle and working with others has led to results.

TRENT has shown all of us that we share the commonality of serving the American people in the Congress. We are here to make the best decisions we can for our country and its people, and bipartisan solutions are a vital component to the legislative process.

When looking back at Senator LOTT's accomplishments, the list is long and distinguished. In the areas of foreign policy and national defense, Senator LOTT has been a strong supporter of our armed services, stationed both domestically and abroad. He has fought hard for the security of our Nation and the protection of our service men and women. Likewise, he has not forgotten the commitment our veterans have made to this country and has upheld what he knows is our responsibility to support our veterans at every opportunity.

As a public servant, my colleague has fought strongly to keep Government off the backs of the American worker and set the stage for the Republican revolution through the progrowth gang the ''Five Amigos.'' Alongside Congressman Jack Kemp, House Speaker Newt Gingrich, Senator Connie Mack, and Congressman Vin Weber, TRENT advocated President Reagan's approach to politics, tax cuts to promote economic growth for everyone in America.

Never far from his mind is his beloved home State of Mississippi, the sparkle in his eye. He has stood by the people of his State with unwavering devotion. When the people of his State were devastated by Hurricane Katrina, Senator LOTT shared their pain with his own family's loss and jumped into action. He dedicated his efforts to secure disaster relief and restoration construction.

Senator LOTT has recognized the importance education plays in developing tomorrow's leaders and has been a staunch advocate of improving the education system in Mississippi. Over the past few years, Senator LOTT has sent several excess Senate computers to public schools in Mississippi in and effort to increase their students' access to the vast amount of information in the 21st century. His commitment to education in his State will be enjoyed for years to come.

I have had the great privilege of working with Senator LOTT on a variety of issues. During my years in the House of Representatives, I remember when, as the Senate majority leader, TRENT worked tirelessly to help pass the landmark welfare reform bill of 1996, such a monumental piece of legislation that it is already receiving history's praise.

It has been a pleasure to work with him in Senate republican leadership and to serve alongside him on both the Commerce and Finance Committees. Last year, on the Commerce Committee, TRENT and I worked together to establish broad video franchising reform. This year, as a member of the Finance Committee, Senator LOTT has been a very strong advocate for enacting permanent tax relief without increasing other taxes.

There can be no question that Senator LOTT is a man of results; his remarkable list of achievements illustrates this very point. But it is important to highlight that TRENT does not overpromise. He will tell you just as straight as he can, ''I'll be with you until I can't be with you anymore.''

Senator LOTT stands among few men in this world; a promise isn't simply a word to him, it is a commitment to make good on a pledge. TRENT carries around a small notebook in which he records every promise made to him or by him. Senator LOTT is a man of his word who will hold you to yours.

For the 7 years I have been in the Senate, I have been in a small group with TRENT who have met to pray together and to share each other's burdens. I have seen him on the highest mountain and the lowest valley. Through it all he sought his Lord for wisdom, comfort, and strength.

On a personal level I will miss serving alongside my friend. But I know wherever this life leads you, I am certain the Lord will bless both you and your incredible wife Trish. I also know you will bless those whose paths you will cross.

As his role as a Senator nears an end, I ask that we remember Senator LOTT's legacy to this country, his State, and its people. Senator LOTT, I wish you and your family the best of luck. It has been a privilege to serve alongside you in the Senate.

Mr. ENZI. Mr. President, as we come together for this last week of legislative activity before we adjourn for 2007, I appreciate having this opportunity to join my colleagues in expressing our appreciation for the many contributions to the Congress that have been made by one of our colleagues who will soon be retiring. We have heard many great speeches, seen a lot of passion and emotion—all well-deserved and heartfelt.

TRENT LOTT, who has a well-earned reputation as a hard worker and great fighter for the people of Mississippi, has announced that he will be leaving the Senate so he can spend more time with his family. Although I understand the reasons for his departure, I know I will miss him and his presence and active participation in our work and the day to day life of the Senate.

TRENT's story begins in a town called Pascagoula in Mississippi. It is where he was raised and it is the place he still calls home. His dad worked in the shipyards and his mother was a teacher. Together they taught him the great lessons of life, and when he left for college he was already showing the presence of the leadership qualities that would someday help to lead him to a career in politics.

TRENT enjoyed his school years and after a year of law practice, TRENT got

a job with Congressman William Colmer, who was from his hometown. When Congressman Colmer retired after 40 years in the House, he encouraged and endorsed TRENT as TRENT ran for and won his seat.

I have often heard it said that the great formula for success is preparedness plus opportunity. I know that TRENT believes it too, which is why when the opportunity came for TRENT to run for the House, he was fully prepared and that ultimately led to his success. He then served in the House from 1972 until his election to the Senate in 1988.

Here in the Senate, TRENT has compiled a remarkable record of achievements because he understands the importance of working together to reach common goals. I have a similar rule I have often put into practice during my service in the State legislature and here in the Senate. I call it my 80/20 rule. Simply put, it means we can agree on 80 percent of every issue. It is the other 20 percent that can sometime throw us off track and prevent a solution to the issue at hand. If we are going to make any progress, the key to success is to focus on that 80 percent and not allow ourselves to get sidetracked.

TRENT fully understands that principle and he has put it into effect throughout his political career. Whenever he was working on an issue he knew that it was better to walk away with half a loaf than wind up with nothing. He knew that, with half a loaf in hand, he could always work on negotiating for the other half sometime later on down the road.

That spirit of cooperation and compromise has been TRENT's hallmark and his guiding philosophy during his service in the House and Senate. That is why he was able to get so much done for his State.

There is no doubt that the people of Mississippi love TRENT and they greatly appreciate how hard he has been working for their best interests. That is why they kept sending him back to Washington after every election.

I will never forget when I was running for reelection in 2002 and TRENT came to Wyoming with his wife Tricia to help. He was a big hit and he received an enthusiastic response everywhere we went. It made a big difference to me to know that our leader in the Senate was willing to take the time to help a fellow Republican who was up for election.

I wasn't the only one, of course. Whenever TRENT saw an opportunity to help one of our nominees, he was always there to lend his support and provide whatever was needed to increase our chance for success.

TRENT has been very fortunate in his life, but nowhere has he done better than in his choice of a spouse. The old adage is true. He and I both ''over-married'' and our lives have been blessed with the presence of a spouse who makes it possible for us to do everything we need to do as Senators. Without them, our lives and our jobs would be impossible.

Now TRENT has decided to leave the Senate and pursue another adventure in his life. He will be greatly missed and, after more than 30 years of fighting for the people of Mississippi, he will be very difficult to replace.

TRENT will always be remembered as someone who had a talent for putting together agreements so that everyone came out a winner. He has been in more battles than I can count on the floor and in committee and through it all he has always stood up and fought for the things he believes in, like keeping our taxes low and providing a strong defense to keep us safe and free from harm.

In his statement about his retirement, TRENT reminded us of the Bible passage that tells us that everything has its own time, everything has its own season. For TRENT, this will be a time of great change and the beginning of another new season in his life. One thing that won't change, however, will be TRENT's continued service to God and the country he loves.

Mr. FEINGOLD. Mr. President, I join my Senate colleagues in wishing Senator TRENT LOTT well as he leaves the Senate. I have known Senator LOTT since I arrived here in 1993, and he has always been a model of civility, and someone whose word you can rely on. While we don't have a great deal in common politically, we still have worked together on important issues like media concentration and 527 reform. One of the best things about working in the Senate is finding ways to reach across the aisle and work together, and I am pleased that Senator LOTT and I could find that common ground. I think that is what the American people want us to do, and it is something that TRENT LOTT has always done very well. It was a pleasure from time to time to be on the same side as Senator LOTT. He is an effective and tenacious legislator, and I think we both enjoyed the strange bedfellows aspect of our work together. I particularly enjoyed appearing before the Rules Committee when Senator LOTT was its chairman.

Senator LOTT has given so much of his life to public service, serving 34 years in Congress, in a number of different leadership posts. I have appreciated his willingness to work together on a number of issues, and I have appreciated what a fair and courteous colleague he has been. I know that the people of Mississippi will miss his leadership, as will so many in this body. I wish him all the best as he leaves the Senate and returns to private life.

Mrs. HUTCHISON. Mr. President, I rise today to congratulate my friend, Senator TRENT LOTT, on his 35 years of service to the people of Mississippi in both Houses of Congress, and also to wish him well as he leaves the Senate, and begins the next chapter of his incredible life.

Senator LOTT was born in Grenada, MS, in 1941. His father was a shipyard worker, and his mother was a schoolteacher. He went to the University of Mississippi in Oxford, where he earned an undergraduate degree in public administration, and a law degree.

After finishing his education, he went to work for his local Congressman, William Colmer, for 4 years. When Congressman Colmer announced his retirement in 1972, he endorsed TRENT LOTT as his successor—even though Colmer was a Democrat, and LOTT ran as a Republican. TRENT LOTT won that election. And he was reelected to Congress seven times.

As a congressman, TRENT LOTT had a major, positive impact on his colleagues, and also on the economic vitality of America. After the 1980 election, he was elected to serve as House minority whip, and he became the first southern Republican to ever hold that position.

Counting votes, building coalitions, and moving legislation were things he seemed born to do, and he genuinely enjoyed the process. In 1981, he helped forge the bipartisan alliance that enacted President Ronald Reagan's historic, across-the-board tax cuts.

Those tax cuts have been extremely successful. Since they went into full effect, the U.S. economy has almost quintupled in size, the Dow Jones has surged from less than 1,000 to over 13,000, and a wave of revolutionary technologies, including cell phones and the Internet, have strengthened America's position in the global marketplace.

In 1988, TRENT LOTT ran for, and won, a seat in the U.S. Senate. Since he arrived, TRENT has earned strong marks from the people of Mississippi, and they have reelected him to the Senate three times.

Senator LOTT has never forgotten the needs and concerns of his constituents. I know about his compassion, dedication, and hard work because I have seen it firsthand.

In 2005, as we all know, Senator LOTT's house was destroyed by Hurricane Katrina—a storm that created so much destruction throughout the gulf coast.

Since then, Senator LOTT—along with his partner from Mississippi, Senator COCHRAN—have helped lead the fight to make sure that Washington meets its obligations to the people of the Gulf Coast states, who are rebuilding still today. His commitment during this time is a good part of why he decided to run for reelection.

Throughout his tenure in the U.S Senate, TRENT LOTT has demonstrated tremendous leadership ability.

After the 1994 election, he was elected Senate Republican whip, and in 1996, he succeeded another Senate legend, Bob Dole, as Republican leader.

During the next 6 years, Senator LOTT was a strong leader for several pieces of legislation that improved life in America in a wide variety of ways.

First and foremost was the landmark welfare reform bill of 1996.

The next year, Senator LOTT worked to produce a bipartisan agreement that cut taxes, cut spending, and most importantly, balanced the Federal budget for the first time in almost 30 years.

Then, in 2001, Senator LOTT led the fight for President Bush's tax cut package. Combined with the tax cuts that followed in 2003, lower taxes have once again recharged America's economy, even as the global economy grows more competitive

Since 2003, we have created 8.3 million jobs, which is more jobs than all the other major industrialized countries in the world combined. The economic growth caused by those tax cuts has also led to record tax revenue. Federal tax receipts are up more than 37 percent over the past 3 years. This has enabled us to cut the budget deficit in half, and if trends continue, we will be able to eliminate the deficit as soon as 2012.

During recent years, Senator LOTT has also taken a leadership role on other issues, including improving education and strengthening homeland security. In fact, he brokered the compromise that created the Department of Homeland Security. He was also instrumental in passing the Rail Security Act.

Senator LOTT's ability to round up votes and get results is clear for anyone to see. That is why his Republican colleagues elected him assistant Republican leader again last year.

I have had the privilege to serve with Senator LOTT as a member of the Republican leadership and have watched him affect the outcome of every major piece of legislation that has gone before Congress.

Last month, when Senator LOTT announced his intent to resign from the Senate, I was saddened—like all of my colleagues—to hear of his plans. However, like all of my colleagues, I also understand his desire to have time for himself and his family. After 35 years of public service, he deserves that and more.

America is a better place—and has a brighter future—because of TRENT LOTT.

I wish TRENT and Tricia, and their family all the best in the future.

Ms. COLLINS. Mr. President, as this session of the Senate draws to a close, I want to say thanks and farewell to one of our most dedicated Members, Senator TRENT LOTT of Mississippi, and to wish him all the best in the next phase of his life.

In his 36 years of service as a Member of both the House and the Senate, TRENT LOTT has consistently demonstrated his deep commitment to our nation and to his state. His amazing understanding of intricate Senate rules and procedures has guided us through many challenges. His outstanding work as our Republican whip has strengthened our caucus and our two-party system.

I have had the privilege of working with Senator LOTT on two issues of paramount importance to the safety and security of our Nation. Like me, he comes from a shipbuilding State and he fully understands how essential seapower is to preserving our freedom. We have worked together to strengthen our Navy and to pursue a dual-shipyard strategy because it is in the best interests of America.

As a leader of the Homeland Security and Governmental Affairs Committee, I had the opportunity to work closely with Senator LOTT during our investigation of the response to Hurricane Katrina. His knowledge of the gulf region was invaluable, and his compassion for the victims of that disaster was inspiring. Although his own home was destroyed by the storm, Senator LOTT was on the front lines from the start, directing resources where they were most needed and helping cut through the redtape. Before Katrina hit, he had planned to step down from the Senate last year, but with the needs so great and with a contribution yet to make, he instead ran again so that he could continue to serve at a time when his experience and dedication were most needed.

Although Maine and Mississippi are separated by great distance, both are rural States facing similar challenges, and I have always found Senator LOTT a strong ally in meeting them. I was especially pleased to cosponsor his Amtrak reauthorization bill, which recognized that the benefits of modern rail service must be made available to all States and to all of the American people.

Last April, I had the honor, at Senator LOTT's invitation, of addressing students at his beloved University of Mississippi. Specifically, I addressed students at Ole Miss's TRENT LOTT Leadership Institute, a designation made in honor of his commitment to public service. It is a commitment that has greatly benefitted our Nation, and it is the legacy for which Senator TRENT LOTT will always be remembered.

Mr. LIEBERMAN. Mr. President, it is with sadness and affection that I note the imminent departure from the Senate of my dear friend and distinguished colleague TRENT LOTT of Mississippi. TRENT and I came to the Senate together almost 20 years ago. Over that time, I have come to respect TRENT's leadership abilities, but most of all I have treasured his friendship and counsel.

TRENT and I come from different places but we share a deep love for our country and a deep respect and appreciation for this institution in which we have been privileged to serve. TRENT not only represented his beloved home State, but he became a national leader because his colleagues recognized that he had extraordinary abilities to make this institution work.

Like all successful and effective Senators, TRENT understood that for this institution to work for the American people, the 100 Members of this body must find a way to cooperate; despite the differences in region, ideology, party, and even personality. TRENT had a seventh sense of what motivated his colleagues and how they might approach an issue that was before the Senate. Sometimes, it was uncanny how prescient TRENT could be about the outcome of a particular vote on the Senate floor. He understood that one could compromise in order to achieve results without compromising core principles.

Yes, TRENT was a conservative Republican partisan when he needed to be. But TRENT also knew there were times when it was critical to put partisanship aside for the national interest. Particularly in the area of national security, TRENT comprehended that Republicans and Democrats must find a way to unite to promote America's interests.

In addition to being an effective legislator, TRENT is a man of considerable charm and warmth. Hadassah and I have great memories of the times we spent with TRENT and his wonderful wife Tricia. When we would travel abroad, TRENT was a terrific companion and always carried himself with honor, style, and grace. I even remember a moment when we were staying in a hotel in Scotland when we were forced to hurriedly exit in the middle of the night because of a fire alarm. Yet, there was TRENT, perfectly coiffed and unruffled. Our leader!

Although TRENT was always devoted to the institution of the Senate, he was also devoted to another critical American institution—the family. TRENT did not merely talk about family values—he lived them. TRENT saw no contradiction in being a good Senator and being a good husband and father. That is to his tremendous credit, and, for all of us, a tremendous lesson.

Above all, TRENT appreciated the miracle of America. He rose from modest means in Grenada, MI, to ascend to the legislative heights in Washington, DC. However, TRENT never abandoned the values of faith, family, and hard work that were his inheritance from his beloved parents, Chester and Iona Lott.

TRENT, as you begin this new chapter in your life, I wish you well. Your example of doing what is necessary to make this institution work is something we have all benefitted from. The people of Mississippi and the people of America are grateful for your service. And Hadassah and I look forward to continuing our friendship with Trish and you for years to come. May God bless you and yours, dear friend.

Mr. GREGG. Mr. President, I rise to speak about Senator LOTT. The Senate is a place—and we have heard it today for 2 hours with wonderful eloquence and thoughts and humorous stories and anecdotes about Senator LOTT—it is a place of words and language. It is also a place, obviously, of legislation, and

legislation leading to laws. But, most significantly, the Senate is a place of people, of individuals—individuals who come here from all over our Nation, representing their people but always representing America, and who meld into the institutions and traditions of this extraordinary place in various ways. Certain individuals leave an indelible mark. There are not too many, but there are some who have.

I would expect that TRENT LOTT will be one of those individuals.

I have had the great pleasure and honor of working with TRENT LOTT off and on for a long time. I was elected in the class of 1988 to the House of Representatives. He was elected Republican whip of the House at that time.

Somebody mentioned in their statement—and I served in the House with him and have served in the Senate with him for many years—that he won three major leadership elections by one vote. I know I, at least, voted for him in those three elections, so maybe I was that one vote.

Our wives and our families have integrated over the years and have been close and done a lot of interesting and fun things together. Kathy and Tricia are very close friends. TRENT and Kathy are close friends. And I am a close friend of Tricia. We really enjoy that friendship, and it goes back to a lot of different instances.

There are a lot of stories told about TRENT LOTT. One of my favorites is that TRENT tends to like to sing and dance. I guess that comes from his cheerleading days at Mississippi. But he has so much energy he has to let it out through song and dance. On occasion, he can be drawn into this. In fact, it does not take too much to get him to sing.

We were at a gathering once, where Tricia and I and Kathy were sitting around a table near a stage, and TRENT was up on the stage singing with his good friend, Guy Hovis, and then there was dance music that started. Tricia, knowing TRENT as she does so well, turned to Kathy and said under her breath: If you don't look at him, he won't ask you to dance.

Little did Tricia know that Kathy actually likes to dance too. So the two of them went off and danced away and had a great time. Tricia and I sat at the table dancing inside. But as a practical matter, he has an energy and a personality that is effusive and effervescent, and it draws everybody in.

He is truly the American story. He is not a southern story, he is an American story. He came from a family of moderate means. His father was a pipefitter. His mother was totally committed to him. He raised himself up and went to his beloved University of Mississippi, which I think he still thinks he is going there some days he talks so much about it.

His whole life has revolved around Mississippi and the people of Mississippi and the people he has helped in Mississippi. This is what has made him go: his ability to reach out and make people's lives better, to change their lives and improve their lives.

He has brought all those Mississippi values here. I think there is some sort of almost genetic quality to Members of the Senate from the South. They just have this ability to move through this body with ease and with comfort and make everybody feel relaxed and enjoy them. They do not have that stoic nature that we might have, those of us from the Northeast. Rather, it is just the opposite. They have an energy and an effervescence and a personality that brings people in and causes people to want to work with them.

Of course, numerous statements have been made about what a great individual he is, about going across the aisle and understanding how you go across the aisle and make things work here. That is absolutely true. He is a tremendous doer of legislation because he has the capacity to bring together coalitions. He knows how to reach out to people in a comfortable way. He also knows how to fight a fight and win it.

But it goes well beyond this issue of working to reach compromise to make legislation pass because he has had a passion for getting things done. He also has a philosophy of how we should govern. He is truly a conservative, a fiscal conservative, an individual who understands the importance of giving the individual opportunity, giving the individual the capacity to succeed in our Nation because he had undertaken that and accomplished it.

But it always goes back to his Mississippi roots, I believe. He now has—I think it is something Senator ALEXANDER described because Senator ALEXANDER and his wife, Honey, and Kathy and I had the good fortune to be invited down to visit him at Tricia's new home—we call it Tricia's home—in Jackson, MS, where they bought this very nice house they are restoring. It is an antebellum house. It is a beautiful house. He just loves the land. He loves the people who come to the house. The people he sees, he loves, throughout his day and when he is traveling in Mississippi.

Of course, he loves his tractors. He has this whole shed full of tractors. I am sure there must be maybe 7 tractors there, farm equipment. Of course, only 1 or 2 of them actually work. But as a practical matter, he loves them. He loves them. He loves to just drive around his property and make sure his fields are cut. He cuts them, and he makes sure they are properly taken care of. He is working his Mississippi land. He and Tricia built this beautiful home down there, where I suspect their purpose is to gather their family which is so important to them: Chet, Tyler, their grandchildren coming over on a regular basis. Kathy and I just looked at them and said: These are special people. These people represent the values we really have as Americans—not as southerners but as Americans—the value of family, value of honesty, value of integrity, the willingness to get things done and to work hard. Succeed, and then take advantage of your opportunities to make life better for others, and that was his whole purpose in the Senate—to make life better for America but especially for his constituents in Mississippi.

Of course, then came Katrina. What a devastating effect it had on him and Tricia. They had this beautiful home in Pascagoula which, again, Kathy and I had a chance to visit, an extraordinary house in a line of Victorian houses right on the waterfront. Out behind the house there was this magnificent oak tree, just huge. I have never seen such a spectacular and large tree. The storm came, of course, and it wiped out his house, it wiped out his brother-in-law's house, his sister-in-law's house, and every other house anywhere near there was devastated. He found his class ring, I believe, three blocks away, or somebody found it and gave it to him. All of their memorabilia, the things that meant so much to them, the photos of their families, their notes and comments they received from people, from Presidents and others, all the memorabilia that had represented his lifetime and Tricia's lifetime, of family and Mississippi activity was also spread and destroyed by the storm, and the house, of course, was eliminated by the storm.

But I asked him, because I was so startled, if the tree was still there. He said to me: Yes, the tree is still there. The tree is still there, this huge oak tree that is so beautiful, so magnificent and so elegant. As TRENT leaves this Senate, I think of this oak. He may be leaving the Senate, but he is still here, and he will be here. His memory will be here, and the way he did things, the way he taught those of us who learned from him will be here. He will leave a legacy which, like an oak, will stand for a long time in this body. It was an amazing and an extraordinary privilege to have the ability, the right, and the privilege to serve with him, and for Kathy and I to get to know him and Tricia over these many years. So we thank him for his service, and we look forward to continuing our friendship as the years proceed.

Mr. CRAIG. Mr. President, there is something that is being concluded tonight or upon the time we go sine die, and that is the career of Senator TRENT LOTT of Mississippi. While many have come to the floor over the course of the day to speak about TRENT, I have not had that opportunity because of several other meetings and a committee that was in session. So I wish to take a few moments to visit with all of my colleagues about my friend and my associate TRENT LOTT.

There is not a lot I can say to add to what has already been said about his quality as a person, his ability as a leader.

I first got to know TRENT in 1981 when I came to the House. He had already been there for 10 years and was

rapidly growing in stature amongst Republicans as a leader who would ultimately be chosen to work as a Republican whip in the House.

He and I grew to know each other and our wives got to know each other during that period of time and a clear friendship developed. But it was not until both of us left the House and came to the Senate that we developed a different kind of relationship and friendship that, frankly, most Senators don't have the opportunity to do.

TRENT LOTT and I and John Ashcroft, the Senator from Missouri, who became U.S. Attorney General under this administration, and a former Republican, and then to become a Democratic Senator and then to retire, Senator Jim Jeffords of Vermont, all four of us developed a very unique relationship that no other Senators shared. We found out that we could sing together and that in doing so, we could not only have fun ourselves, but that other people, sometimes with a smile, would suggest they enjoyed listening to us.

We formed a group called the Singing Senators, and over a period of about 4 years, we traveled from Los Angeles to Springfield, MO, to Branson to Houston to Nashville. We were on the ''Today Show.'' We sang at the Kennedy Center. What was most interesting was, we shocked folks. Not only after a lot of practice did we begin to sound pretty good, but can you imagine stuffy, blue pinstripe suit Senators all of a sudden singing ''Elvira''? That we did, and we had a lot of fun doing it, and we entertained people all over the United States.

But what came out of that was a friendship and a bond that probably few others have because the four of us traveled together with our spouses in all of these locations that I mentioned and a good many more, not only to entertain the public and to show we were human by our character, while we could still be Senators, but also to raise money for our party or to raise money for a Senate candidate.

I will never forget the time when we were in Los Angeles and there were about a thousand people out there waiting to hear us. We were singing off of a CD with our background accompaniment music, and the system broke down. And what do you do when the music stops? Well, most people quit singing. But we found out that we could sing a cappella, or without accompaniment. So we sang ''God Bless America,'' we sang a couple other songs, and then they got the music fixed. And I think the audience enjoyed us without music more than they enjoyed us with music. Anyway, we had a lot of fun.

But in the end we did something else. We went to Nashville and put all our songs together on a CD, produced several thousand CDs, just to give away, and found out that they were in demand. So we sold them all, and all of the money went to the Ronald and Nancy Reagan Alzheimer's fund. And, frankly, we found out to our great surprise that it raised a lot of money.

I know TRENT and John and Jim and I still today, every so often, will get a phone call from somebody who says: I just listened to your CD again, and you know, you guys were amazingly good for United States Senators.

Now, that is probably a side of TRENT LOTT that was not spoken to today, but it is a side of TRENT LOTT that you all ought to know—the smile, the joy, the fun we had of singing the kind of songs we sang in a way that Senators are just not supposed to do. For in the end, Senators are like an awful lot of other folks out there—we are human. We have a very human side to us, with our friends and our families, and that is what we learned about TRENT and Tricia Lott and John Ashcroft and his wife and Jim Jeffords and his wife, as we traveled around the country singing on behalf of Republicans, but really singing on behalf of America because we enjoyed it and we hoped others would enjoy it.

That is something I will miss when TRENT LOTT leaves because we have had an opportunity since that time to get together on occasion and sing a few songs and enjoy ourselves. TRENT LOTT, a great United States Senator from Mississippi, and a guy with a pretty good bass voice.

Mr. HAGEL. Mr. President, I rise today to pay tribute to our friend and colleague, Senator TRENT LOTT of Mississippi. When Senator LOTT steps down at the end of this year after 35 years of service to our country in the Congress, he will leave behind a legacy of leadership and service to Mississippi.

I have known Senator LOTT for many years. Our friendship dates back to when he was first elected to the House of Representatives in 1972.

In 1981, when serving as House Republican whip he played a central role in the formation of a bipartisan coalition which produced national security initiatives and promoted economic recovery under President Ronald Reagan.

In 1994, Senator LOTT became the first Republican to ever have been elected whip in both houses, and then went on to become Senate majority leader. He and his friend and fellow Senator from Mississippi, THAD COCHRAN, who were both elected to the House in 1972, were the first two Republicans to win statewide elections in the Magnolia State since Reconstruction.

In 2005, when Hurricane Katrina left nothing but an oak tree on the front lawn of where his home had been in Pascagoula, MS, Senator LOTT worked tirelessly for recovery funding and tax breaks for gulf coast homeowners and businesses who had lost everything.

My wife, Lilibet, who is also from Mississippi and I wish TRENT, Tricia, and their family every happiness in their new life. They have earned it. But we will miss them.

Mr. President, I know all our colleagues join me in congratulating Senator TRENT LOTT on a long, successful, and distinguished congressional career.

Mr. BOND. Mr. President, born in Grenada, raised in Pascagoula, and educated at the University of Mississippi—there is no denying where TRENT LOTT is from. He is a true son of Mississippi.

TRENT is one of my few colleagues who knows how to say ''Missouri'' right.

In all seriousness, it has been an honor to work with TRENT LOTT, and a real pleasure for Linda and me to get to know his wonderful wife, Trish.

Senator LOTT has had a remarkable career in Congress that has spanned seven Presidents, two impeachments, and most importantly, decades of progress that has made Mississippi and America stronger and more prosperous.

He saw Watergate up close and personal, oversaw the end of the Cold War, spearheaded enactment of historic welfare reforms, shepherded passage of tax relief in both the Reagan and Bush administrations that made America's working families more prosperous, and helped pass numerous historic trade agreements to create more U.S. jobs.

While his career in Washington began in the House, he quickly became a creature of the Senate and built a reputation as a parliamentary master.

Getting work done in the Senate is no easy task. I like to say it is a lot like getting frogs in a wheelbarrow. Some may call it herding cats. However you would like to say it, Senator LOTT knew how to get the job done.

Senator LOTT always knew how to count votes and get the best deal based on Republican priorities and principles. In the Senate, there is no higher compliment. And in that respect, TRENT is a Senator's Senator, reflected both in his work on behalf of Mississippi and on behalf of America.

On behalf of the country, his belief in fiscal responsibility led to a historic tax cut agreement that produced the first balanced budget since 1968.

His belief in investing in a strong national defense has made our country safer.

On behalf of his home State of Mississippi he has been tireless in his efforts to promote economic development and expand job creation. From investing in schools to improving infrastructure, his contribution has been extensive and lasting.

Thanks to Senator LOTT, Toyota, Lockheed Martin, Northrop Grumman, and many other companies have a home in Mississippi.

It has been a tremendous honor and privilege to serve with TRENT LOTT.

I join my colleagues in congratulating the Senator and thanking him for his many years of service and our friendship.

Mr. BARRASSO. Mr. President, I rise today to join in recognizing Senator TRENT LOTT.

Less than 6 months ago, I joined the Senate. I was selected to serve out the term of our dear friend, Craig Thomas, and given the responsibility to represent the people of Wyoming.

My experience has only been enhanced by the quality of the individuals with whom I serve. The welcome has been warm, the advice gratifying, and the diversity of my colleagues remarkable.

This morning's session is about the incredible service of one exceptional Member of the Senate, TRENT LOTT. President Reagan once said, ''I know TRENT LOTT as one of the most important leaders in the country on issues vital to all Americans.''

Shortly after I joined the Senate, Senator LOTT was kind enough to visit with me and share some advice. In addition to his advice on how to deal with the Senate as an institution, it was his advice of a more personal nature that is most inspiring. Senator LOTT stressed that to survive the chaos and challenge of serving in the Senate, it was important to never be far from the people you love the most. It was evident from his words that the depth of love for his wife Tricia, his family, friends, and the people of Mississippi was the key to his success in Washington. His inner strength comes from the people who supported him when times were tough and challenged him when he thought all was well. It is a lesson I will remember for as long as I am fortunate enough to represent the people of Wyoming in the Senate.

If he were with us today, Senator Thomas would want to extend his heartfelt best wishes to TRENT and Tricia. I know Susan Thomas wishes the entire Lott family many years of happiness and success. I join all of my colleagues in wishing all the best to this remarkable man.

Mr. INHOFE. Mr. President, the first call I received from TRENT LOTT was in 1986 when I first ran for Congress. Though the polls hadn't yet closed and I still didn't know that I won, TRENT called me up to congratulate me. In 1994 when I ran for my Senate seat, TRENT LOTT again called me on election night to tell me congratulations. TRENT and I have worked together for 21 years and he has always been the best political mechanic in Washington. I take great pride in having helped launch the successful political career of TRENT LOTT by being one of his first supporters in his bid for the Republican Whip position.

People quite often take shots at TRENT without justification. Don Imus used to say on his morning radio program that it looked like TRENT ''combed his hair with a sponge.'' Well, I have to admit it did look that way sometimes, but if that is the worst you can say about TRENT, I think he is doing just fine.

One lesson I've learned from TRENT is that you shouldn't take things too seriously. I've seen him laugh in the face of adversity on more than one occasion, most recently when TRENT's home in Mississippi was wiped out by Hurricane Katrina. Romans 5:3 tells us to rejoice in our sufferings because ''suffering produces perseverance; perseverance, character; and character, hope,'' and certainly I've seen that in the life of TRENT LOTT.

When he talked this morning about his four pillars of family, faith, friends, and freedom, the one that people didn't talk much about was his faith. I have prayed with him at a weekly meeting for many years, an I have to say this about him: he is a faithful and obedient person to his Lord and Savior Jesus Christ. So many of my colleagues say they have lost a friend, a colleague, and a statesman, but I have lost a brother. I rejoice in the contributions that TRENT LOTT has made throughout his life.

Mr. BROWNBACK. Mr. President, I wanted to take a few moments this morning to pay tribute to my departing colleague, Senator TRENT LOTT of Mississippi.

Senator LOTT has been a trusted friend, a hardworking legislator, and a skilled party leader on issue after issue in his 35 years of distinguished service in the House and Senate. He has been a tireless champion of conservative values over the year, but it is a testament to his unfailing courtesy and affability that he has been so popular and effective with his colleagues over the years, without ever surrendering those core values. This Senate will miss his presence and example, and his state and his Nation will miss his principled leadership.

I often think about what an incredible country this is where the son of a Kansas farmer and the son of a Mississippi shipyard worker can work together on the great issues of our day in the world's greatest deliberative body. I know that this country is better for the fact that TRENT LOTT, with all of his talents and abilities, was given that opportunity.

Senator LOTT was instrumental in the great political realignment that took place in the South throughout the 70s and 80s; in fact he was only the second Republican elected to Congress from Mississippi since Reconstruction. He went on to become one of the most effective political leaders of his day, perhaps one of the most effective leaders this body has every seen. Trent has been amazingly effective, in building coalitions, in working across the aisle, and in leading his party.

Those of us on both sides of the aisle who have worked with him over the years know that TRENT LOTT is a man of his word. In large part, that has accounted for his political effectiveness, both with the voters and with his colleagues. With SENATOR LOTT, there is never any question about where he stands and who he is, and that kind of integrity gains people's respect and admiration.

His integrity was never more apparent than when he stayed in the Senate out of a sense of duty to his state to see his people through the terrible natural disaster that was Hurricane Katrina.

After three decades serving the people of his State and serving his country in the U.S. Congress, we now say farewell to our valued colleague. He has served his country with resolve, honor, and energy. As he leaves us in order to spend more time with his beloved family, I join my colleagues in thanking TRENT and his wife Patricia for their service to their country, and I wish him all the best in his future endeavors.

Ms. MURKOWSKI. Mr. President, I have not had the privilege to serve in the Senate with our colleague, Senator LOTT, for as long of a period of time as many of those who have spoken today.

But it doesn't take that long to realize just how important the Senator from Mississippi's contribution to this institution has been.

We all know of his tremendous dedication to the institution that is Congress. Thirty-four years of public service between the House and Senate. His creation of the whip organization in the House that emphasized Member-to-Member contacts and outreach to the other party. Election to the Senate in 1988, as the Senate majority leader in 1996, and then as the Republican whip earlier this year.

But rather than lament the loss of a tremendous asset, I would like to celebrate his accomplishments.

When there is a problem to be resolved, TRENT can resolve it. When there is a compromise that needs to be brokered, TRENT will broker it. And when there is a shortage of tomatoes at the Lott household, well, TRENT always knew he could find a few extra in the garden a few doors down.

My husband and I have been fortunate these past 5 years to be neighbors with TRENT and Tricia. We share many things as neighbors—I blow the leaves down the sidewalk to his yard, and he blows them back to mine.

Jokes aside, whether it was the quick conversations between Members during votes, or a closed door sit down discussion on the issues, TRENT knew the pulse of the Senate. He works like a butterfly—going from Member to Member on the floor, lighting for a moment to discuss an idea or resolve an issue and then going on to another. Always friendly, always working to find the path forward.

His ability to develop those relationships and work out a deal to everyone's satisfaction is a skill that I certainly look to as a model for how the Senate should operate.

So it is with great fondness that I wish my friend and colleague well in his future endeavors. I wish him and Tricia well as they embark on the next stage of their adventures.

TRENT, thank you for your friendship, and for your service to this Nation and this institution.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, as a sort of starting point, I noticed that throughout today we have had a lot of legislative business, and I thought it was interesting this morning, when

many of my colleagues came down here to pay tribute to Senator LOTT, that while that was going on, and I was coming down here as well to listen to some of those and to offer my remarks at that time, I was handed a whip card to go start to do some whip work, because that is the task that Senator LOTT—and I have had the honor to serve on his whip team—is entrusted with here in the Senate.

So it was always focused on the task and always on the work at hand. Even as we were in his last day here in the Senate paying tribute to him, he continued to work hard at the responsibility that had been entrusted to him by his fellow Senators on this side of the aisle.

It was a great privilege, as I said, to be able to serve in that capacity and to learn from Senator LOTT. I think he has the distinction as perhaps the only person who served as the whip in the House of Representatives and now in the Senate. As he leaves, he leaves a great legacy. Many of us who have had the opportunity to learn under his tutelage about the way this institution operates have been blessed to have someone like him to be a teacher.

Senator LOTT always understood that although we deal with very serious, very weighty, sometimes complex and oftentimes consequential issues, it is also important that we not take ourselves too seriously. TRENT never did. Even those of us sort of plain Midwesterners who resisted the seersucker suit day and its attendant fashion statement recognized the value of many of the trends that Senator LOTT was responsible for instigating.

TRENT never lost sight of the fact that in the end—while we are elected officials, we are Senators, we have responsibilities to our constituencies, responsibilities under the Constitution, responsibilities to our country—that we are all human beings. In the end, despite our differences, the relationships are what will endure. He worked actively at building those types of relationships.

I first had the opportunity to meet TRENT when I was a Member of the House of Representatives. Like many of my colleagues who at the time served in the House, he was the leader in the Senate. But we had some opportunities to interact, and we always respected the work he did and the way he understood the Senate and its rules and its procedures and was able to effectively make it work to produce results. Ultimately, that was always his objective. He knew we were going to disagree, he knew there would be differences, but in the end his objective was always to get us across the finish line so the Senate could complete its work, and the work of the American people could be done.

I will certainly miss, as will many Senators, that personal touch, that sense of humor, that warmth, that smile—all those things that are part of his character and his personality that are so closely associated with the Senate.

My office is next to his on the fourth floor of the Russell Building. It was not uncommon for Senator LOTT to do the pop-in visit. He would pop into my office, always to have a discussion about perhaps what the issue of the day was. But there was not one of those pop-in visits where I didn't learn something, where just, again, having been exposed to him presented the opportunity to learn from someone who had mastered this institution after serving here for those many years; someone who also understood the House very well, 34 or 35 years, I think, in total in the House and Senate, as well as having served here as a staffer prior to that.

When Senator LOTT came to the Senate the very first time as a staffer—I don't know exactly the date, but I know it was sometime in the late 1960s—I was probably in first or second grade, somewhere in that vicinity.

Over the years, his service has helped accomplish a great many things for the American people. He has been a great leader for the Republican Party. As majority leader, as minority leader, as minority whip, majority whip—in all those positions he has held he has had one goal and objective in mind, and that is to help his team help this great country continue to prosper, continue to be safe and secure for future generations.

If I think there are any lessons that can be learned, things that I, perhaps, learned from TRENT during his service in the short time I have had the opportunity to serve with him, one would be to serve causes that are greater than yourself. I think he had a great sense of purpose about what was important in life. Clearly, that was the case or he would have gone off and done other things a long time ago.

Second, to be serious about your work. He was very much, as I said, a task master. I know from experience, serving on his whip team, that when there was a task at hand he was very focused and intently conscious of the importance of getting the job done and getting it done in a timely way. He was serious about his work. But the other thing he understood was he never took himself too seriously. He, as I said, invested in relationships in this body, knowing full well it is those relationships that will have the enduring value.

The final lesson that I got from TRENT is never forget where you came from. That was one thing he also modeled. He was a Mississippi original through and through. That was something you always sensed. His priority, his heart, was always with his home State. What came through loud and clear to all of us when his State was struck with the adversity that came from Hurricane Katrina and the aftermath of that was the enormous work he did to help his State to recover. He always had a sense of where he was from. He never lost sight of that, and who he represented.

There is a verse in the Bible that says:

> Where your treasure is, there will your heart be also.

I think you could always tell what things TRENT treasured. You could always tell where his heart was because of the things that he treasured. His faith was very important to him in a personal way. His family, his beloved wife Tricia, and his children, were always a top, first priority for him. Finally, his friends. That was something I think you heard abundantly today as people from both sides of the aisle got up and talked about their experiences and the relationships that he had built with them over the years. If you can judge someone, where their heart is, by where their treasure is, you always knew where TRENT LOTT's heart was. It was with his faith, it was with his family, and it was with his friends.

I am very proud and privileged to count myself among those friends.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for as long as I wish to consume. That will not be very long. I cannot talk about Senator LOTT in 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank my colleagues, Mr. President.

Mr. President, in his political memoir, ''Herding Cats: A Life in Politics,'' our distinguished colleague, the former majority leader, Senator TRENT LOTT, noted that he viewed his ''years in Washington as a magnificent experience, with many more mountaintops than valleys.'' How is that? Let me say that again: He viewed his ''years in Washington as a magnificent experience, with many more mountaintops than valleys.''

What a wonderful way to look at one's experience in the U.S. Congress. Everyone in public life knows there are valleys. Life may be unfair, but in public life, that unfairness, I daresay, is magnified tenfold. But as Senator LOTT explains, he prefers to look at the mountaintops, and his political life has been one of many mountaintop experiences.

This son of a shipyard worker and public school teacher was elected to the U.S. House of Representatives in 1972. He was in the House for 16 years, where he distinguished himself by serving with great aplomb on the House Rules Committee as his party whip. I know something about that party whip. That ain't easy.

In 1988, he left his safe and secure seat in the House to run for the Senate. Reach for the stars. In the Senate, Senator LOTT has served as Republican conference secretary, Republican Senate whip, Senate minority leader, and Senate majority leader. As the Senate

whip, Senator LOTT became the first Republican ever elected to the whip positions in both Houses of Congress.

As the Republican Senate leader, Senator LOTT served with dignity and with diplomacy. Diplomacy was his tool. He was a facilitator who sought to bring differing political factions together on key legislative issues.

TRENT LOTT established solid, productive relationships with the Senate Democratic leaders in order to keep legislation moving, moving, moving to the floor. Make no mistake, as a conservative Republican, Senator TRENT LOTT has always been combatively—combatively; underline that word, combatively—partisan in his thinking and his approach to public policy, but—a big conjunction here—but he never allowed his partisanship to become stubborn or nihilistic or destructive. No, never.

Senate Majority Leader REID—that is HARRY REID, Senator HARRY REID, majority leader—recently commented on how closely he has worked with Senator LOTT. They negotiated. They negotiated. Together they worked out compromises, which, as they say, is the art of politics and the legislative process. Majority Leader REID then explained:

> Even though Trent Lott is certainly a true conservative, we were able, in his pragmatic fashion, to work things out.

It is not easy. Allow me to state this in another way. Senator LOTT always put the good of this institution—right here, this institution—and the good of our country first; that is, above partisan political interests or political party. For that, I have always respected him, TRENT LOTT, and I have always admired him.

Senator LOTT takes great pride in his roots and his southern heritage. I, too, am a southerner and am proud of that. My great uncle was killed fighting for the Confederacy. As a champion of his beautiful and beloved home State of Mississippi, he was always on call for the people of the Magnolia State. This was best seen a few years ago when he was considering retiring from the Senate at the close of the 109th Congress, but feeling an obligation to help his State to recover from the deadly and devastating impact of Hurricane Katrina, TRENT LOTT decided to stay with us, and I, for one, am glad he did. Thank you, TRENT.

In his political memoir, ''Herding Cats,'' which I mentioned a few minutes ago, Senator LOTT included a special chapter entitled ''The Differences Between Friends and Colleagues.'' ''Differences Between Friends and Colleagues''—what a powerful and insightful look this is into the political realities of life and work on Capitol Hill. Senator TRENT LOTT pulled no punches—none—as he discussed the differences between the two. He bluntly recalled telling one person: You didn't help me when you could have. Senators, think of that. Think of that statement if it was said to you: You didn't help me when you could have. That is piercing, leaves nothing unsaid. I guess that about sums it up: You didn't help me when you could have.

I will miss Senator TRENT LOTT. I wish him and his very lovely wife Tricia—tell her I said hello on behalf of Erma and myself—I wish him and his lovely wife Tricia health, happiness, and success as they now embark upon the next phase of their lives. I pray they will enjoy nothing but the best. They have earned it.

Mr. President:

It isn't enough that we say in our hearts
That we like a man for his ways;
And it isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

Then when a man does a deed that you really admire,
Don't leave a kind word unsaid,
For fear that it might make him vein
Or cause him to lose his head;
But reach out your hand and tell him, ''Well done'',
And see how his gratitude swells;
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

Thank you, TRENT.

Mr. STEVENS. Mr. President, while I was deeply saddened when Senator TRENT LOTT told me he would retire at the end of the year, I understood completely why he made this decision.

TRENT and Tricia have been trying to restore their lives in Mississippi following the devastation of their home as a result of the terrible devastation which struck our East Coast during the Katrina and Rita hurricanes. They lost their home—and most of their possessions, and, they need time to recover.

There is no Senator with whom I have served who has had a deeper commitment to our Nation. TRENT was the whip of our party in the House of Representatives when I was whip here in the Senate. We initiated weekly conferences to try to share the progress and intentions of our leaders at that time. From those days until now I have considered TRENT one of the best friends I have had in my lifetime.

TRENT and I have served together on several committees of the Senate. Our primary work together has been on the Commerce Committee where TRENT has been our leader on the aviation and maritime commerce subcommittees. His work on our Commerce Committee will be sorely missed.

TRENT's own words on ''herding cats'' is well known here. He has had more success in achieving bipartisan results than most people outside the Senate know. TRENT has not sought the credit for what he has accomplished—it has been enough for him that he knew the job was done.

His role as a member of the ''Singing Senators'' is well known. What people should know is that he had the good sense to ask this Senator not to join—they didn't need a monotone!

As I told the The Politic, it is doubtful the Oak Ridge Boys will come back to the Capitol. TRENT brought them to the LBJ Room—where he asked them to sing ''The Late Night Benediction at the Y'all Come Back Saloon.''

It is hard for me to visualize the Senate without TRENT LOTT. I believe every Senator here now knows what he has done. He stepped down from the leadership—kept a smile on his face and went back to work. He regained the leadership as he was selected to be our whip—and the Republican leader's comments show that TRENT LOTT became the whip any leader would dream to have: loyal, supportive, full of energy to get the job done, and all with that smile that we all know so well.

So, as I said in the beginning, it is with sadness that I join in wishing TRENT and Tricia the best that life has to offer as they leave this Senate family. Catherine and I wish them the best and will pray for their success in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi, the Republican whip.

Mr. LOTT. Mr. President, I can't help but feel honored and humbled by all that has been said here. My mother would have loved it and would have believed it all.

I feel totally inadequate to properly respond to much of what has been said. I thank my colleagues one and all, and, of course, the venerable symbol of this institution, Senator BYRD, and his comments, ending as he always does with magnificent quotes, from memory. So maybe it is appropriate that I would begin briefly by telling some of my experiences with Senator BYRD.

When you enter my son's home in Kentucky, on the wall, framed, is a tribute he gave to my first grandchild—a grandson—the week he was born. I was majority leader and came on the floor that Friday, and he asked me if I would be around for a few minutes; he had something he would like to say. It was truly one of the most beautiful things I had ever heard in my life. Maybe it was because I thought my grandson was the most beautiful I had ever seen, but it was so magnificent, and he ended with a quote of how a grandfather wants his grandson to remember him. So it hangs there in a place of great pride. ''Chester Trent Lott, III'' is the title.

Senator BYRD and I have worked together, and of course we have disagreed. There have been magic moments. I remember when I was involved in our little singing group, he came on the floor one day and asked me if I had a little time; he had something he would like to show me. So he went down to his office and he showed me a video of himself at the Grand Ole Opry playing great fiddle. So we were bonded by music, by heritage, by faith, and in so many ways.

I could tell a story about certainly each one of these colleagues here and a lot on the other side and how I have enjoyed being here and have enjoyed my

work, and a lot of it has been on a personal, one-to-one basis. Sometimes, when I really, really cared about something, on a personal basis, for my State or for the Senate or our country, I would go to that Senator's office. I remember one time it took me quite some time to track down Pat Roberts, because he was hiding from me, but I found him.

I remember one time I needed a vote, and I needed some votes on the Democratic side. So the simple thing I have always thought is, you know, go where the ducks are. If you are looking for votes, you have to go talk to them, you have to pursue those votes. So I went to Senator BYRD's office. As always, he graciously welcomed me into the inner sanctum. I think I smelled a cigar, which delighted me, and I sat down, and he listened to me as I made my pitch. I talked about the attributes of this nominee for a very important position and why it was so important, I thought, to the institution and why it was important to me and my State. He listened, he asked a couple of questions, and asked me to repeat the name.

At the end, he said: Well, I think everything will be okay. He didn't say: I will vote for him. He just said: I think everything will be okay. I figured it was good enough and time for me to take my leave, and I did. I talked to my senior colleague, Senator COCHRAN, and said: What does that mean? He said: I think it will be okay.

So the vote came, and it was okay. He was one of a number of Democrats who did vote for that confirmation. It was just sort of the epitome of Senator BYRD. I respect him as a great Senator, I respect him because of the way he loves this institution, and I respect him as a friend.

I take occasion, when I am in the Senate, sometimes when I am leaving, to go over and say: How are you doing, Senator BYRD? Because I know how he felt about Erma, I know how he loved Billie, and he has so many things that appeal to me and that make him a great man. I single him out now because of the beautiful remarks he just made and because really he is emblematic of the relationships I have had with so many of my colleagues here.

I guess, to tell you the truth, I really was kind of hesitant about this moment and about being here today and what you would say, but it all sounded so good, now I am thinking of changing my mind and maybe announcing for President or something.

But to our leaders, Senator HARRY REID, the majority leader—he and I did work together on many occasions and without a lot of fanfare. I remember we would bring up a bill, and 100 amendments would always appear. I got to thinking it was the same 100, but then he and I would go to work, with me in the leadership of my party and he as the whip on his side, working with Senator Daschle, and we managed to get it done over and over again. We established a relationship of trust and honesty with each other that is so critical.

I think he has the toughest job in the whole city, being the majority leader in the Senate, and not just because I had it but because I got to see what it was all about. The President has the whole administration, the Speaker has the Rules Committee, but the leaders of the Senate, on both sides of the aisle, they lead because of who they are and the power of persuasion they have and the respect for the position they hold. Nothing in the Constitution gives them special powers.

So I appreciate what HARRY REID has said. He has been a friend, he has been a supporter, he has offered me encouragement when I was down and when I was up. He has been very generous and magnanimous in what he has had to say, and I admire him. I wish him only the best because when he succeeds in working and making this institution work and produce a result, most of the time the country succeeds.

To our Republican leader, MITCH MCCONNELL, you knew just a little bit too much about my background, all these personal references, but I appreciate it. It means so much to me. You have been a great friend. We have been in the leadership together, we have kept our word to each other, we have been supportive of each other in tough times and good, and I really enjoyed having you work with me in the leadership when I was leader, and I have been so honored and thrilled to be a part of your leadership team.

I told you that I knew what your job was and I knew what the whip job was, and I would be your whip and I would support you. And I want the record to show here, and for one and all, I think you have been a magnificent leader for our party this year. It has not been easy. It has been tough. Both of you are going to get criticized, but I have been riding shotgun for you, and it has been a great pleasure, my friend. You have done a magnificent job for our party.

I have to recognize our most senior Republican, too, Senator STEVENS. He told me yesterday he didn't like my nickname for him, so I am working on a more appropriate one for him, but he has been a good and loyal friend too. When I was a whip in the House and he was a whip here in the Senate, he took me under his wing, even took me on some flights with him. But I admire you so much, Senator STEVENS.

And I have to say to my colleague from Mississippi, it has been quite a ride—35 years—but we have enjoyed each other's company. No matter how tough things get, we could always sit down and talk about Ole Miss. I really thought I would be the head coach this year, but that didn't work out. But the thing I will always say about Senator COCHRAN, and typically of him, after Katrina, which was a seminal event in my life, obviously in the lives of my families and neighbors and friends, and my State, we had so many needs, and Senator COCHRAN immediately went to work and produced appropriations—more than one—and he got everything we needed. He didn't jump up and down and brag about it.

He helped not only my State but, as Senator VITTER said, Louisiana and the entire gulf region, and here is what really impressed me about it. We all took credit for what he did—I did, our Governor did, our mayors did—and he sat there quietly in the second row in Biloxi, MI, on the 1-year anniversary of Hurricane Katrina, and public official after public official got up and took deep bows for what they had done. Finally, I had all I could stand, and I got up and said: I am glad we all got to take credit. Now it is time we recognize the man on the second row who actually did it. I will forever be grateful for what you did after Hurricane Katrina, which was obviously a very tough event.

To my staff, who are lined up back here—I have a great team. Typically, Senate staffers do so much of the work and we take the credit, but I have been blessed with super staff this year, and there are some former staff members in the balcony. I have a rule in my office that once you work for TRENT LOTT, you always work for TRENT LOTT no matter who pays your salary, and, you know, it seems to work. I never let them go. They are always on call and they are always there, and I thank you all for that.

I want to do something, too, that I have done before. We don't do enough to thank our entire Senate family, everybody from the elevator operators to our policemen and the people here. I think the staff of the Senate here on the floor appreciates it. I have always tried to think about you too. One of my speeches about the sun is setting, isn't it time to go home—as most of you know, I was serious when I said I wanted to go home and have supper with my wife Trish, and on occasion, I did it and didn't come back either.

But to all of the staff: Thank you. You have helped in so many ways. Our leaders on the staff—I think of Elizabeth Letchworth, Dave Chiappa, and Marty. They just do great jobs, and so I want to express my appreciation to them.

To my State of Mississippi, they have shown me a lot of leniency. They have honored me, and they have put up with me sometimes, and it has been quite a pleasure to represent that State. I love it, always will, and will always be working for the State.

But especially to my wife Tricia and our two children, Chet and Tyler, and now our four grandchildren, they have been very supportive, and they have always stood by me. My wife has been a lot more than a wife and mother, she has been a real helpmate. I thank them for all they have done.

I do want to say again to the Senate itself, I have learned to love the institution. Senator BYRD occasionally accused me of trying to make the Senate

into a mini-House, and I have denied it, but maybe I was, in my desire for order and neatness. The messiness of the Senate sometimes was hard for me to take.

But I love this place, and I was thinking about it today—the friendships. They are real here, but they don't go away. Some of our colleagues have gone before us whom I have dearly loved as friends and not just colleagues, people such as Connie Mack, Dan Coats, Phil Gramm, and Paul Coverdell was mentioned. These are friendships which will last forever.

DIANNE FEINSTEIN. One of my regrets in deciding to retire is that now we have sort of formed a team, and I think maybe she is a little peeved at me that she took a stand with me after I took a stand with her, and now I am going to the house. But this is a great Senator, and she is a symbol of what I hope the Senate will remember to do, and that is to really go the extra mile to be a friend and to have a personal relationship.

She took on the seersucker Thursday. When we lost everything, she was the one who made sure my wife had some glasses for us to drink out of. She didn't do it for publicity, and I never talked about it publicly, but it was a very special gesture.

I thank my colleagues for letting me be in the leadership. Thanks to my colleagues and the American people for allowing me to have some fun while being in the Senate. I commend it to you, for the future. I didn't form the Singing Senators, the quartet, just because I like to sing base or because I enjoyed music, but because I wanted to show that side of the Senate. Could the Senate really have soul? Could the Senate really have music in its heart? As bad as we sounded, there was method in my madness. I also thought it would lead me to find ways to get one of our Senators to vote with us more. I think it got one more vote than we would have otherwise.

But the kilts—you know, just being a little looser I think is a good idea every now and then. I believe whatever you do in your life you should find a way to enjoy it and have fun. I have to say I have had fun in the Senate because I really enjoyed it. That is all there is to it. But I tried to find a way to do some things that made us closer as friends.

I am glad we recorded some history with the Leaders Lecture Series. I urge my colleagues to restart that, bring in experts to talk to us, men and women who led the Senate, who led the country, who know the history of our country and the history of this institution, and give us some opportunity to have an intellectual discussion about what the Senate is, what it has been, and what it can be.

I do hope we will always find a way to be just a little bit family friendly. Remember, we all have families at home, back in our States. Our leaders sometimes could give us a little reward; if we would behave and allow them to get to a vote quicker, maybe we could get home to our families a little quicker.

Senator BYRD mentioned the fact that I have been on mountain tops and down in the valleys. I thought many times about my high school class motto. As class president—we had a class flower, we had a class color, we had a class song, we had a class everything. We had a class motto that has lived with me since those years at Pascagoula High School in 1959. Our class motto was:

The glory is not in never failing, but in rising every time you fail.

I have had opportunities to fail, and I have had opportunities to persevere, as the people I represent. It has been a great motto, one I have learned to live by.

I am not going to give a long speech today. I quoted a great philosopher about how you should speak on occasions such as this. He said: You should speak low, you should speak slow, and you should be brief—John Wayne. I am going to try to honor that. I am not going to give you a list of achievements because I have been so pleased with what my colleagues have had to say. But among the things I really am proud that we have done in my years in the Senate: We have built our military, we have made it stronger, we gave them better pay, we gave them better retirement benefits. I will always be proud of that. We had tax cuts, tax reform, and strengthened the economy, even things such as safe drinking water. I had communities in my State that literally couldn't drink water out of the faucets. We have improved on that. We had insurance affordability, welfare reform, transportation.

When I announced my retirement a couple of weeks ago, one reporter asked about what was I most proud of. I said: To tell you the truth, I am not the kind of guy who sits around meditating on what I am going to put on a marker somewhere. I am proud of all of it. But I think I am the most proud of the effort we had with colleagues on both sides of the aisle, working very closely with Senator DOMENICI and Senator GRASSLEY and others. So in my 6½ years as majority leader we have had balanced budgets, four, and surpluses two of those four. It hasn't happened since 1968, and we are kind of struggling again. That is something we need to do. Fiscal responsibility is a very important part of what we can do for our children and our grandchildren. I hope we will find a way to do that again in the future.

I have one regret. I guess I was part of the problem along the way. The one thing I always hoped we could get done for our children and our grandchildren we have not been able to do, and that is to find a way to preserve, protect, and ensure that Social Security will be there for our children and grandchildren in the way that it is here for us now. I hope we will find a way before it is too late to get that done.

With regard to recommendations, I have no anger, complaints, I have nothing but hope and joy in my heart for the future. I am so appreciative of the way the Senate and the Congress and the American people stepped up and helped us after Hurricane Katrina. But if there were just two things I would like to urge the Senate to do—I have touched on them, but I repeat them now—No. 1, find a way to make sure Senators have a life and have some time with their families. When you lose that, you have lost an important part of those pillars that make us who we are—family and friends, faith and freedom. You have to make sure you pay close attention to that and learn to know each other and know each other's families. It will make us better people.

Then, last, find a way to keep the human side. It has been hard for me, with my Scottish roots, to tell people when I really do appreciate them and love them; to call people when they are celebrating and call them when they are hurting. But when I hurt, myself, I know how much it has meant to me to have some of you call and offer your support and your encouragement. Find a way to do that. It is more important than anything else that happens in the Senate. Keep that personal, human touch.

Always find a way to disagree if you have to, but don't be disagreeable. There has come sort of a meanness, sometimes, that I do not think is befitting of the institution. I hope we will find a way to stay away from that.

Again, I repeat something I said a moment ago. This morning when I was doing my morning Bible devotional, the message that came through to me was one of hope and joy for the future. I look forward to my opportunities after the Senate. I am not going to say a fond farewell because I am not leaving. I will not be here, but my heart will be with you and I will be watching and I will stay in touch for the rest of my life.

Thank you so much for being able to serve with you. I thank you all for what you have had to say today. I do have a quick card in my topic. I do want to talk to you about some folks who will be coming up later this week.

Thank you very much. God bless this institution.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I hope we all heed TRENT LOTT's words that he spoke so beautifully right now. He spoke from the heart, and he spoke from experience. As I listened to him, I thought: We do sometimes forget about what is important in life. I think he brought that back to us.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:09 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business.

Who seeks recognition? The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I will happily yield to the chairman of the Judiciary Committee. I am going to speak for 10 minutes as in morning business.

FISA

Mr. LEAHY. Mr. President, I thank the Senator.

Mr. President, I strongly oppose the blanket grant of retroactive immunity in the Senate Intelligence Committee's bill to amend the Foreign Intelligence Surveillance Act. This administration violated FISA by conducting warrantless surveillance of Americans for more than 5 years. They got caught. If they had not gotten caught, they probably would still be doing it.

When the public found out about the President's illegal surveillance of Americans, this administration, and the telephone companies who may have assisted them, were sued by citizens who believed their privacy rights were violated. Now, this administration is trying to convince Congress to terminate those lawsuits, in order to avoid accountability. We should not allow that to happen.

The administration knows that these lawsuits may be the only way that it will ever be called to account for its illegal program of warrantless surveillance and its flagrant disrespect for the rule of law. In running its program of warrantless surveillance this administration relied on legal opinions, prepared in secret by a very small group of like-minded officials, who crafted those opinions to fit the administration's agenda. Jack Goldsmith, who came in briefly to head the Justice Department's Office of Legal Counsel, described the program as a ''legal mess.'' The administration does not want a court to get a chance to look at that mess, and retroactive immunity would ensure that there is no court scrutiny of their actions.

Senator ROCKEFELLER and I have been consulting since this summer to find ways to obtain access to the information our members need to evaluate the administration's arguments for immunity. The administration has consistently refused to provide this information to the Judiciary Committee. In fact, in light of the administration's stonewalling, Chairman SPECTER was prepared to subpoena this information from the telephone companies during the last Congress. Finally, we obtained access, not only for the chairman and ranking member, but for members of the Judiciary Committee. However, I believe all Senators should have access to this information, as well as those staff with the appropriate clearance.

Instead of conducting warrantless surveillance in violation of FISA, trying to cover it up, and then trying to justify the coverup, this administration should have come to Congress immediately and asked for the authority it is now claiming it needs.

I have drawn a different conclusion than Senator ROCKEFELLER about retroactive immunity. I oppose granting blanket retroactive immunity. I agree with Senator SPECTER and many others that blanket retroactive immunity, which would end ongoing lawsuits by legislative fiat, undermines accountability.

Immunity against future litigation is not the issue; the issue is retroactive immunity. If they followed the law, and FISA was not violated, the telephone companies would automatically have immunity and there would be no need for Congress to now duplicate that immunity.

I also would note that title I of the FISA law was changed during markup in the Senate Judiciary Committee. When we come back to this bill next year, it will be my intent to bring much of what we did in the Judiciary Committee before the Senate for a vote.

Again, I want our intelligence agencies to be able to intercept the communications of those people overseas who are trying to do harm to the United States. We all agree with that. But I want to make sure that Americans' communications cannot be acquired by the executive for just any reason. If the Government is going to listen to the communications of Americans it must abide by the legal system that has served us so well throughout the history of this country: court determination of the legality of surveillance before it begins, and court oversight throughout the process.

We hear from the administration and some of our colleagues that we must grant immunity or the telephone companies will no longer cooperate with the Government.

Senators should understand that if we do not grant retroactive immunity, telecommunications carriers will still have immunity for actions they take in the future. If they follow the law, they have immunity.

Instead, I will continue to work with Senator SPECTER, as well as with Senators FEINSTEIN and WHITEHOUSE to try to craft a more effective alternative to retroactive immunity. We are working with the legal concept of substitution to place the Government in the shoes of the private defendants that acted at its behest, and to let it assume full responsibility for any illegal conduct.

I believe that requires reaching agreement that the lawsuits should be able to reach the merits rather than be short-circuited by Congress, and that the program be subject to judicial review so that its legality can be determined.

Again, this administration violated FISA by conducting warrantless surveillance for more than 5-years. They got caught and they got sued. The administration's insistence that those lawsuits be terminated by congressional action is designed to insulate itself from accountability.

Retroactive immunity would do more than let the carriers off the hook. It would shield this administration from any accountability for conducting surveillance outside the law. It would leave the lawsuits that are now working their way through the courts dead in their tracks and leave Americans whose privacy has been violated no chance to be made whole.

These lawsuits are perhaps the only avenue that exists for an outside review of the Government's actions. That kind of assessment is critical if our Government is to be held accountable. That is why I do not support legislation to terminate these legal challenges and I will vote to strike it.

The PRESIDING OFFICER. The Senator from Missouri has yielded earlier to the Senator from Vermont.

Mr. GREGG. Would the Senator yield so I may propound a unanimous consent request that I be recognized at the completion of her remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

CREDIT CARD COMPANY DECEPTION

Mrs. MCCASKILL. Mr. President, I first want to comment on what a pleasure it was listening to several hours of tribute to Senator LOTT. I have not served with Senator LOTT for very long, but at the point in time that I, hopefully, would be allowed to decide to retire from the Senate, I could only hope I have such kind things said about me in so many different ways.

I was glad I got an opportunity to listen to 3 hours of Senators talking nicely about each other. It is an important thing to do this time of year, and I think, frankly, it is an important thing to do more often, and we do not do enough of it around here, particularly across the line.

I rise today to speak as in morning business for a few minutes about something that is on everybody's mind this time of year; that is, credit cards. Now, I know why it is on my mind, because my fingers are having to do the shopping because I cannot get home to Missouri, and so I am having to click, click, click on the Internet. I now know my credit card number by heart

because I have entered it so many times in the computer trying to get gifts for my family and my children. So I am very aware of my credit card this time of year.

I have spent some time this year in the Senate looking at the issue of credit cards, and as we all are wringing our hands and gnashing our teeth over the subprime mortgage mess, I think we all need to begin to wring our hands and gnash our teeth about some of the credit card practices in this country. We have allowed the credit card industry to play a little fast and loose with fairness.

I certainly fundamentally understand that people's obligations in terms of their credit, their unsecured credit on a credit card, are primarily their responsibility and it is important that people be responsible when they enter into debt, and it does not matter what kind of debt it is, whether it is credit card debt or any other kind of debt. On the other hand, I have spent some time trying to read through the fine print on some of these credit card agreements. Frankly, I have been trained as a lawyer, I have worked as a lawyer for most of my adult life, I have been a State legislator, I have now worked at the Federal level legislating, and I can't understand a lot of the fine print on some of these credit card statements. If I can't understand the fine print on a lot of these credit card statements, what shot does someone who has not spent as much time around the law as I have?

If you look at what is going on with the unsecured credit card industry in terms of some of the fast-and-loose play with the rules, the kinds of tricks that are being played—I will give you a great example. We now know your interest rate can go up if you get near your credit limit. We now know you can call and get an authorization to charge money on your credit card, and they will let you do it even if you go over your credit limit, and then they are going to charge you every month an extra fee because you went over your credit limit, which they said was okay for you to do. You never know this.

Imagine my interest when I learned in a hearing this year that they can raise your interest rate on your credit card just by getting more credit cards. So if you are going into a department store and they say: Hey, you can get 15 percent off today if you open a credit card, you can get 10 percent off today if you open a credit card, the act of opening those credit card accounts can increase your interest on another credit card. Now, who would have thunk that? No one ever explains that to the American consumer. No one ever explains that getting at or near your credit limit on a number of credit cards could require your interest rates to go up even if you are paying your bills on time, even if you have always paid exactly what you are supposed to pay on time every month.

It is very important that we get a handle on this. This is a great example. A member of my staff who knows I have been very interested in this brought this in to me this week. We just had a hearing where we learned that if you get to your credit limit, it is possible they will raise your interest rate even if you paid everything on time. Well, what is this? This staff member of mine had several thousand dollars left in available credit on one of his credit cards. So what happens? He gets checks in the mail from his credit card company, and the first one is made out. Guess how much it is made out for. It is made out for an amount that will get him very close to his credit limit. So the idea here is if you fill them all out, guess what. Bingo. You are over your credit limit, and then all the fees and the extra interest rates start.

Well, I have to tell you—by the way, there is nothing on this that says: If you go over your credit limit, not only will we charge you fees, but we are probably going to raise your interest rate. That is never explained to the American consumer. That is not fair play.

Make it very clear to your credit card customer exactly what they are going to pay for and when. Fifty percent of the people who have credit cards in this country right now are paying minimum balances only, and they don't understand they are in a hole they can't dig out of.

The credit card companies say: We have not had that much increase in defaults. Well, I will tell you, here is what is different: A lot of the credit card debt in this country—hundreds of billions of dollars of the credit card debt in this country—has been rolled into home equity lines of credit because of this housing boom we were on, and everyone was combining their credit cards, and a lot of that debt has been transferred to mortgage debt.

This is stuff that needs to get fixed, it needs to be fair, and the rules need to be clear to anyone because I will tell you, if we don't get it fixed, we are going to be wringing our hands and worrying about the next big problem in our economy, and that is all this unsecured credit that goes unpaid.

I think the credit card is a wonderful tool for Americans. It has allowed our country to consume at great levels, has kept our economy pumping. But at the end of the day, if we don't require the credit card companies to make full disclosure in a way that everyone can understand exactly what they are charging for this very expensive form of credit, we are going to regret it.

There are two pieces of legislation. First, Senator LEVIN and I have introduced a Stop Unfair Credit Card Practices Act which prohibits some of the most egregious examples I have talked about that unfairly deepen or prolong credit card debt held by consumers.

The other piece of legislation is one I am cosponsoring with Senator KOHL that deals with college students. Nothing strikes more fear in the heart of a parent who has two children in college than the idea that someone wants to send them credit cards right now.

I love my two children in college very much. I think they are smart and wonderful people. But, believe me, neither one of them has the resources to handle a credit card right now. The only resources they have to handle a credit card right now are mine. If they want to send me the credit card, that is fine, and if I want to help my kids, that is fine, but the idea that we are now selling lists of college students to credit card companies so they can send them—by the way, one of these credit card officials actually had the nerve to say in a hearing that he found college students to be a very good risk. Well, yes, because their parents pay it off because they do want not want them to have bad credit when they get out of college. But college students do not have the wherewithal to take on unsecured debt. They are having a hard enough time just getting to class and getting everything done, much less taking on unsecured debt.

We need to stop some of these practices that are victimizing the American consumer. We can do it. We can do it in the Senate. I look forward to working with my colleagues in the new year to see if we can't make it a better year for middle-class America that is buried under credit card debt without the playbook to show them how to get out.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I relinquish my right to be recognized at this moment as I have another commitment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

FEC VACANCIES

Mr. BENNETT. Mr. President, I rise to note with some sadness that we are reaching a point at the end of this session where it appears we will adjourn without acting on any of the nominees for the Federal Election Commission. The effect of this will be to leave the Federal Election Commission with only two functioning commissioners, when the law calls for six. It is worse than that. The law insists that no action can be taken by the commission without the votes of at least four. So by having only two left, we will leave

the Federal Election Commission with no capacity to function.

I have a history with the Federal Election Commission which makes me sensitive to the importance of this group. When I was elected, there was an allegation made against me which I considered highly partisan. It went before the FEC and before the entire commission a vote was taken, with the three Republicans upholding the position I took and the three Democrats holding the position on the other side. Because they could not muster four votes, nothing was done. In my view, this was justice. But the thing I found difficult was the fact that the partisanship on the FEC was so heavy, there was an almost automatic 3–3 vote on everything. It makes far more sense for the commissioners to work together to recognize the merits of the case, rather than simply responding in a knee-jerk partisan fashion to the individual or group that is bringing the charge. In my case, that is what was happening. A Democratic group brought the charge that I had violated the law. The three Democrats on the FEC automatically agreed with that, and the three Republicans automatically disagreed. I don't think, frankly, any of them spent any time examining the merits. If they had, I am sure I would have been unanimously exonerated, but that is not the way it worked in those days.

It got to the point here on the floor where a piece of legislation was introduced saying, whenever there is a tie in the FEC, the general counsel will break the tie. Along with Senator MCCONNELL, I and others did our best to defeat that bill because it would have de facto made the general counsel of the FEC the sole decisionmaker for that body.

I am happy to report that those days seem to have passed. We now have an FEC where the vast majority of the votes are unanimous, where partisanship seems to have taken a back seat to an attempt to get things right and act on the merits rather than the partisan challenge.

Four of the members of the FEC are recess appointees who must be confirmed. The President has sent forward four names—two Republicans and two Democrats. In the standard tradition, practice, procedure, and precedent of the FEC, the Democratic leadership in the Congress got to pick the two Democrats. The Republican leadership got to pick the two Republicans. Always before we have moved these nominations forward en bloc, maintaining the balance between Republicans and Democrats, with Republicans approving the Democratic nominations, and Democrats approving the Republican nominations.

In our committee, the Rules Committee on which I have the honor to sit, we sent all four of the names en bloc to the Senate. There was great controversy about one of them, which I will address, but in the spirit of the past history of the committee, instead of singling out this one individual to come to the Senate without recommendation, we said we will treat all four of them alike, and all four names came to the Senate without recommendation so that the Senate could work its will.

Now because of the controversy surrounding one of the Republican nominees, it becomes clear we will not have a vote on any of the four, producing the deadlock I described at the opening of my remarks. We will have only two functioning FEC commissioners beginning next year, and the FEC will not be able to rule on any of the controversies that may arise in the 2008 election. Furthermore, the FEC will not be able to distribute any Presidential matching funds in the 2008 election. This comes as bad news to some of our colleagues in the Senate, because many of them were dependent upon and expecting the matching funds to come out of the Presidential campaign fund. They will not get them, because these nominees will not be approved. Who is the one who is causing all of this problem? His name is Hans von Spakovsky. He has been attacked by outside groups on the grounds that he is somehow insensitive to minority voters.

I wish to spend a moment examining that particular attack. It all comes back to a position Mr. von Spakovsky took when he was at the Civil Rights Division of the Justice Department and recommended the pre-clearance of a voter ID law. There were those who were career attorneys in the Civil Rights Division who said a voter ID law is terrible and should not go forward. But Mr. von Spakovsky disagreed with them. Then, acting on Mr. von Spakovsky's recommendation, the management of the Justice Department said: No, we are going to go forward.

According to those who have attacked Mr. von Spakovsky, he was overruled by a court. The court did issue an injunction, saying that the voter ID law could not be enforced, thus leaving the impression that von Spakovsky is an ideologue, while the career attorneys were simply doing their job and the court stepped in to protect the country from this ideologue. In fact, the injunction had to do simply with the timing of the implementation of the law and was not a determination on the merits of the case, with the court saying it didn't want the law enforced right now but wanted to wait until the matter could be fully considered.

After the case was heard, a Federal judge, one appointed by President Carter, although that probably shouldn't make any difference, and the one who had initially issued the injunction, upheld the constitutionality of the Georgia voter ID law and, in that fashion, ratified the position Mr. von Spakovsky had taken all along. Mr. von Spakovsky's position was consistent with the ruling of the Federal court that said the career attorneys who argued with him were wrong. He was on the right side of the law; they were on the wrong side of the law. Yet he is being attacked as somehow being the ideologue who must be kept off the FEC lest the FEC be turned into some kind of partisan hotbed of difficulty and dissension.

The fact is, Mr. von Spakovsky has served on the FEC as a recess appointee for 2 years. We need not project what he would do if he were confirmed. We can look at what he has done in that 2-year period. To that point, I repeat that the vast majority of the cases that have been dealt with since he has been on the FEC have been unanimous. He has not been a lone voice seeking to destroy the FEC or turn it into some kind of partisan hotbed. He has acted completely in the mainstream, in the opinion of the other members of the FEC.

Let me quote from one of the Democratic members of the FEC, repeating again these people are appointed for their partisan positions. This is not a circuit court where you want to find someone who is above partisanship. This is where the law specifically says there will be three Republicans and three Democrats.

This is what Mr. Walther, a Democratic member of the FEC, had to say at the December 14 FEC meeting. This is from a very recent article. He said Mr. von Spakovsky was ''a terrific person to work with'' as a colleague, a ''fine commissioner.'' The article continues: ''He (Walther) spoke after Mr. von Spakovsky made a traditional nominating speech, praising Mr. Walther's qualifications to be vice chairman. Mr. Walther's comments echoed a speech during the FEC meeting by Mr. Lenhard to close his yearlong chairmanship by praising bipartisan cooperation on the commission and recounting the FEC's accomplishments in resolving enforcement cases.''

One of the things we hear around here during confirmation battles is, the President ought to make more mainstream nominations. Not for this one; this one, by law, is supposed to be partisan. But here is a man who has had 2 years of experience, 2 years of service, being praised for his activities, clearly in the mainstream, being attacked for a position he held before he came to the FEC where polls have been done and found that 81 percent of Americans, with only 7 percent dissenting, agree with Mr. von Spakovsky's position that we ought to have voter ID.

We have photo ID requirements in order to keep cigarettes out of the hands of teenagers. We have photo ID requirements in order to keep terrorists off airplanes. I have had the experience in my home State of Utah, where I like to think I am fairly well known, of being asked for a photo ID when I have presented a credit card, in an effort to avoid identity theft.

Isn't preventing voter fraud as important as keeping tobacco out of the

hands of teenagers or preventing identity theft? Eighty-one percent of Americans agree with von Spakovsky's position on this matter. Yet he is being attacked as being outside the mainstream for what his critics call a partisan position.

Because of the holds that have been placed on Commissioner von Spakovsky's nomination, we now come to this impasse where the FEC will be left with only two Commissioners, unable to rule on any potential violation that may occur in the 2008 election—a Presidential year, along with all of the Senate races that are up, and every Member of the House of Representatives. The FEC will not be able to rule on any violations because they will have only two Commissioners—all because of an ideological bent pushed by groups outside of the Congress saying that this one man, because he agrees with 81 percent of the American people, is somehow disqualified for being too partisan.

The principle has always been that the Republicans pick the Republican nominees for the FEC and the Democrats pick the Democratic nominees for the FEC—a principle that makes sense. I do not know very much about the Democratic nominees for these positions who will not be confirmed, and, frankly, I do not care because they are not mine to select. They have been picked by the Democratic leadership to represent the Democratic position, and I am willing to vote for them on that basis.

Mr. von Spakovsky has a 2-year history of acting intelligently, with great integrity, and great collegiality in this position, and it is a tragedy that the whole Commission will be denied the opportunity to function in a Presidential year; that those Presidential candidates who are depending on Presidential matching funds will not get them because outside groups have demonized this one public servant. It is a sad day that this kind of thing is happening with respect to our governmental appointments.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I see the distinguished Senator from West Virginia. I certainly do not want to preempt him if he wants to go next. Does the Senator have a preference? If not, I will go ahead, if that is OK.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IN MEMORY OF THOMAS B. MURPHY

Mr. ISAKSON. Mr. President, I rise on a sad occasion for me personally and for my State, but also in some sense a proud time for me to be able to acknowledge the life and times of Thomas B. Murphy.

Last night, at 10 o'clock, in Bremen, GA, in Haralson County, Thomas B. Murphy died from the complications of a stroke that for the last 4 years kept him, at best, semiconscious and in a very difficult state.

But in those previous 79 years of life, he is probably the most remarkable political figure in the history of the State of Georgia. Elected speaker of the house in 1974, he maintained that position until 2002—for 28 years—longer than any speaker of any legislature in the history of the United States of America.

He was the son of a primitive Baptist preacher by weekend and a railroad telegraph man by day. He was a product of the Depression. And he was Irish. He was tough as nails but had a heart of gold. He was a Democrat through and through, and proudly stated his absolute distaste for any Republican.

For 8 years of my 17 years in the Georgia Legislature, I was the Republican leader of the Georgia House. To give you an idea of what a minority is really like, I was 1 of 19 Republicans, and there were 161 Democrats. I understood what being a minority leader was all about.

Tom Murphy was a powerful, forceful leader. But from the day I met him, when I was first elected in 1976, to the last day I held his hand, this past April, by his bed in Bremen, GA, he was always fair, he was always good, and he did what was best for the State.

Tom Murphy did not play golf. He did not play tennis. He raised tomatoes in his garden. His house is a modest brick ranch in Bremen, GA. His trade as a country lawyer was exceeded only by his skill as a politician. He never cared for money. He never cared for fame. He never cared for attention. His favorite day of the year was March 17, St. Patrick's Day, for which he would summarily adjourn the Georgia Legislature so he and his entourage could go to Savannah, GA, and be a part of the second largest St. Patrick's Day parade in America, in Savannah, on St. Patrick's Day.

His second favorite thing was to hold his grandchildren in his lap as he sat on the throne of the speaker of the house of representatives, and let them watch over his presiding of the Georgia House.

But this common, tough, fine man did so much for our State it is almost difficult to describe. We would not have a Metropolitan Atlanta Rapid Transit Authority were it not for Tom Murphy. He delivered the rural vote for the urban city of Atlanta in 1974 to get mass transit and to raise the taxes to do it. If you ever watched the Super Bowl in the Georgia Dome, the Georgia Dome would have never been built were it not for Tom Murphy.

As to the Georgia World Congress Center, there is not a Member of this Senate who has not been there because almost every convention in America goes through there once every couple years. It would never have been built were it not for Tom Murphy. Our rural roads and highways, the Governor's Road Improvement Program, would never have happened were it not for Tom Murphy.

But of all the great legacies and edifices that will be named after him, and have been named after him, his legacy will live on not through buildings and institutions but through people because Tom Murphy cared the most about people. And he cared the most about people who were poor and people who were disadvantaged.

Tom Murphy's legacy is the children who were born in poverty who came out of poverty and became successful because of the programs he put in place as speaker of the house. Tom Murphy's legacy will live on because of those who know, as a foster child or as a child in trouble, it was Tom Murphy who was there to give a hand up, not a handout.

Tom Murphy will be honored this Friday in the State capitol, where he will lie in state, and where his funeral will take place—a State capitol where for 28 years, through five Governors, he ruled the State of Georgia—not in the sense of a ruler or a tyrant but in the sense of a proud man whose time and destiny came together in the great State of Georgia. I will mourn his loss for all I learned from him.

I end my remarks by telling you about that day I sat by his bed this past April and held his hand. He could not communicate, but I knew he was awake. I said: Mr. Speaker, I am now in the U.S. Senate. And I just wanted to tell you I am a better man, and I probably got there because of the painful and wise lessons I learned from you.

A tear came in his eye, and he squeezed my hand. I knew, as we communicated first in 1976, we communicated once again. And from the day I knew him in 1976, to the last day I knew him this year, I respected him, I honored him, and I loved him.

Georgia appreciates the service Tom Murphy gave to all her people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

LIHEAP

Mr. SANDERS. Mr. President, let me begin by thanking my good friend, the distinguished chairman of the Appropriations Committee, for yielding.

The reason I rise is to deal with a very important issue that impacts millions of our fellow Americans, and that is all over this country, with the price of home heating oil soaring, people are wondering about how they are going to stay warm this winter. My very fervent hope is that the Congress, both the Senate and the House, will address this issue before we adjourn for the Christmas holidays.

I commend Majority Leader REID, Minority Leader MCCONNELL, the chairman of the Appropriations Committee, Senator BYRD, Chairman HARKIN, and others for, in fact, adding a significant sum of money—over $400

million—to the Omnibus appropriations bill. This is important, and I appreciate that. I think people all over this country appreciate that.

Unfortunately, however, this total of $2.6 billion in funding for LIHEAP, the Low Income Home Energy Assistance Program, that so many people, so many elderly people depend upon in order to stay warm in the wintertime, while it is an 18-percent increase from last year, it is still 23 percent below what was provided for LIHEAP just 2 years ago in nominal dollars. Meanwhile, as everybody knows, the cost of home heating fuels has soared. Compared to 2 years ago, heating oil prices are projected to be 50 percent higher this winter. The price of propane will be 38 percent higher, and electricity prices will be 14 percent higher. These high prices, coupled with the reduction in LIHEAP assistance compared to 2 years ago, mean States will be forced to either reduce the number of people who will be receiving LIHEAP or else to significantly cut back on the amount of money that people will be receiving. There is no question about what will happen if that occurs: People in the United States of America will be cold. It is possible that some may actually be freezing.

Two years ago, thanks to the leadership of Senator SNOWE and many other Senators, LIHEAP funding was increased by $1 billion above the appropriated level because it was then the belief that we faced a home heating emergency. Well, if we faced a home heating emergency at that point, let me tell my colleagues we face one today that is even more severe. In the State of Vermont and all over this country, we are having elderly people living on fixed incomes who are looking at the soaring prices of home heating fuels. They are scared to death. It seems to me that we have the moral responsibility as the Senate of the United States of America to do something for those people before we adjourn.

I thank my colleague, Senator LEAHY from Vermont, as well as Senators COLEMAN, KLOBUCHAR, SNOWE, OBAMA, DOLE, BAUCUS, SUNUNU, CANTWELL, COLLINS, CASEY, LIEBERMAN, LANDRIEU, KERRY, KENNEDY, and CLINTON for supporting an amendment that will essentially increase LIHEAP funding by $800 million, half of which will go into the normal LIHEAP formula, half will go into emergency funding to be used at the discretion of the President.

While those Senators are already onboard, I know there are many other Senators—Republicans, Democrats, and Independents—who are also wanting a vote to show the people back home that we have not forgotten them and that we do not want any Americans to go cold this winter.

Let me simply conclude by suggesting to you that the people of our country all over America are losing faith in the U.S. Government. That is no secret. Polling for the President, polling for Congress is at an almost all-time low. They think we are concerned about a whole lot of issues, but we are not concerned about them. It seems to me that before we go home to our well-heated homes, before we go home to our vacation time, that we not turn our backs on some of those who are most in need. I think we have to act boldly to restore faith in the U.S. Government, and I hope that before we leave, we can get a vote on this floor with bipartisan support, and that we can move this process forward.

Mr. President, with that, I thank my good friend, Senator BYRD, the outstanding leader of our Appropriations Committee, for yielding, and I yield back the remainder of my time.

Mr. BYRD. Mr. President, I thank the very distinguished Senator for his remarks.

Mr. LEAHY. Mr. President, the Senator from West Virginia has the floor, but would he yield me at least a couple minutes in reference to what my colleague from Vermont just spoke about?

Mr. BYRD. Yes, Mr. President. I am glad to do so.

Mr. LEAHY. Mr. President, I thank the distinguished chairman. I agree with what the Senator from Vermont has just said. In our State, cold weather is not a rarity, it is a fact of life, especially this time of the year. The thermometer on my front steps goes down to 20 below zero. Many times there is no mercury showing because it has gone below that.

Now, that is not theoretical cold, that is cold you die from. I know what it has cost us in filling the tank for my own furnace this year, and I wonder how many people who are not privileged to have the kind of salaries all of us do, how they possibly do it. It is not a matter of just help; this is a matter of life or death. It is not a matter of just comfort. We are not talking about the weather being in the fifties and perhaps you can just put on more sweaters or more coats; we are talking about it being 5 or 10 and 15 and 20 degrees below zero, or even today in Burlington, VT, it began at zero. The temperature was at zero, and then it warmed up from last night. In those situations you die if you don't have heat. It is not a question of being comfortable; you die. It is as simple as that. You die. There are a lot of people who cannot afford this.

I will work with the distinguished Senator from Vermont, as I have with my colleagues on both sides of the aisle, in trying to get more money after this bill is passed for LIHEAP. I know the distinguished Senator from West Virginia has supported us every single time on LIHEAP. He also knows what it is like in those rural areas of West Virginia where people barely eke out a living and what happens to them when the snow is falling and it is cold outside and the children are crying because they are cold and the parents are doing everything possible to keep them warm. We will work on this.

I thank the Senator from West Virginia for yielding me the time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CONSOLIDATED APPROPRIATIONS ACT, 2008

Mr. BYRD. Mr. President, the Constitution grants to Congress an extensive array of powers, each of which in one way or another touches the lives of every 1 of the 300 million people who live in America today. But of all of those powers so carefully inscribed in article I, none is so powerful or so necessary for the welfare of our country as the power to appropriate monies—monies from the Federal Treasury. But it is not simply within the power of the Congress to appropriate funds for the operation of the Government. It is a duty that must be exercised each year without fail and without excuses. The operation of the Government to enforce our laws, to serve our people, to protect our liberties depends upon Congress providing the funds that are necessary to do so.

The bill that will soon be before the Senate, the Consolidated Appropriations Act of 2008, is essential legislation for the country. It includes 11 of the 12 annual appropriations bills. In all, it appropriates $473.5 billion—spelled with a B, Mr. President, a capital B. That is $473.50 for every minute since Jesus Christ was born.

It appropriates $473.5 billion for the operations of nearly every agency in the Federal Government, save for those funded by the already-approved Defense Appropriations Act.

The bill contains an additional $42.2 billion in emergency spending, including $31 billion for the war in Afghanistan and for force protection for our troops—American troops, our troops—in Iraq. I wasn't for going there; I was against our going into Iraq. But we are there. We are talking about our troops who are there in Iraq.

The President's budget, as submitted, simply did not include sufficient funds for the health of our veterans. This bill provides $3.7 billion more than requested to make sure the Veterans' Administration can provide better care for our veterans.

The bill also includes $3 billion of emergency spending for border security, $622 million for drought relief, $300 million for firefighting in the West, and $250 million for low-income home energy assistance. Emergency funds totaling $2.4 billion are also included for peacekeeping operations in Darfur, refugee assistance, and other foreign assistance programs. We also approved $194 million for the replacement of the bridge which recently fell into the Mississippi River.

The consolidated appropriations bill contains an unprecedented level of transparency and accountability for Member-requested projects and earmarks. Each and every earmark contained in the bill or described in the explanatory statement is accounted for

in the tables that are part of the joint explanatory statement. These tables describe the project, they describe the level of funding approved, and they provide a list of the Members of either the House or the Senate who requested the item. It is there, as clear as the noonday's Sun in a cloudless sky. How is that, BERNIE? We are not supposed to address other Members directly, but in this instance, I know I will be forgiven.

These tables, as I say, describe the level of funding approved and a list of the Members of either the House or the Senate who requested the item. All information required by Senate rule XLIV is included in the explanatory statement accompanying the amendment. Read it, Senate rule XLIV.

The total dollars that are earmarked is reduced—hear me now—by 43 percent. That ''ain't'' chickenfeed. The total dollars that are earmarked is reduced by 43 percent compared to the appropriations bills signed into law by the President 2 years ago.

It is imperative this bill be approved not the week after next, not next week but this week. Last May, Congress passed a budget resolution that balanced the budget by 2012 and permitted Congress to approve appropriations bills at a level of $21.2 billion above the President's request.

The Senate was able to work constructively on a bipartisan basis to address the needs of the American people. After the deadly bridge collapse in Minnesota, the Senate voted 88 to 7 to provide additional funds to repair crumbling bridges. At a time when crime rates are on the rise, the Senate voted for a bill that puts more cops—yes, they protect you, they protect me—more cops on the street by a vote of 75 to 19. While oil prices are soaring, the Senate voted 75 to 19 to pass a bill providing more help to low-income families so they can pay their heating bills this winter.

After the shocking state of the Walter Reed Army Medical Hospital made the news, the Senate voted 92 to 1 to approve a bill increasing VA spending to allow better care for our returning warriors.

Because our borders are in need of additional enforcement to stem the tide of illegal immigration, the Senate voted 89 to 1 to approve an amendment with billions more for border security.

This bipartisan cooperation on moving the appropriations process forward, while addressing the crucial needs of this country, would not have been possible without the diligent work of the committee's ranking member. Who is that ranking member? The distinguished and able and venerable Senator THAD COCHRAN—may his tribe increase. That is from Abou Ben Adhem, in case you have forgotten.

It is refreshing to know that in this era in which each political party is urged to view the other as a mortal enemy, there is hope for at least one oasis of comity in which the duty to govern is still taken seriously. I thank my friend, Senator THAD COCHRAN, and all the other Members of the Appropriations Committee for their hard work, their diligent work to produce each—now listen to this—each of the 12 appropriations bills and for all their cooperation in the assembly of this Consolidated Appropriations Act.

Sadly, the President does not share our view that we must invest in America, apparently. The President—your President, my President, our President—proposed to increase the Defense budget by 10 percent. The President proposed to increase foreign aid by 12 percent. The President—your President, my President, our President—proposed $195 billion of emergency spending for the wars, and yet the President believes this 7-percent increase we sought for domestic programs was fiscally irresponsible. As a result, he, the President—your President, my President, our President—threatened to veto 9 of the 12 appropriations bills.

Under our Constitution, the President has the power to veto. He does. Nobody disputes that. And the President made it clear, crystal clear, as clear as the noonday's Sun in a cloudless sky, that he intended to veto our bills.

We are already 10 weeks into the new fiscal year. It is time to govern. There is a time in the affairs of men when we say it is time to govern. There must be compromise from time to time, and so working together across the aisle, such as Senator THAD COCHRAN and I—we shake hands, we argue, we debate, and we contend with one another. At the end of the day, we put our arms around each other and walk out of this Senate together. So working together across the aisle, we have cut $17.5 billion from the original levels approved by the Appropriations Committee. As a result, domestic programs receive only a 3-percent increase. I am not pleased with this outcome, but I urge all Senators to support the consolidated bill.

Within the limits set by the President, we have funded as best we could, the essential priorities of this Nation—your country, my country. For our veterans, this package includes a record $43.1 billion in funding for the VA. That is a lot of money, $43.1 billion in funding for the VA, an increase of $3.7 billion over the President's request.

The bill provides $37.2 billion for veterans health care, and an additional $124 million is included to hire more VA personnel to reduce a 6-month backlog of benefit claims.

Funding for the National Institutes of Health is $613 million above the President's request.

Energy prices are going through the roof, and we provide $788 million more than the President requested for the Low-Income Home Energy Assistance Program, which gives 2 million more families additional help for winter heating bills at a time of these record oil prices.

Despite the fact that violent crime is on the rise—hear this, violent crime is on the rise—for the first time in 15 years, the President wanted to cut State and local law enforcement, but—there is that conjunction ''but''—we have restored $1.2 billion to that unwise cut.

Under the President's request, 600,000 women, infants, and children would lose important nutrition assistance. We fully fund—yes, we fully fund—the WIC program.

This package also makes education a priority—education a priority—by increasing Head Start by $114 million, stopping the proposed cut of 30,000 slots for early childhood education. This additional $118 million for No Child Left Behind means that tens of thousands of disadvantaged students will get the help they need to succeed in school. For college students, the amount for Pell grants is increased to $4,731 per year.

The President proposed to eliminate or slash numerous programs for our rural communities, such as rural health, rural housing, and clean water programs, but we have restored money for all of those programs.

The President wanted to slash funding for vital infrastructure programs, but we—the Congress—have increased funding: For highways? Yes. For repairing bridges? Yes. For airport improvements? Yes. And for Amtrak. Amtrak. All aboard for Amtrak.

At my direction, the bill includes a $20 million increase above the President's request for mine safety. Now I know something about that. I know something about the need for mine safety. I am the son of a coal miner.

This money will save lives.

Despite the failure of FEMA to adequately respond to Hurricane Katrina, the President wanted to slash funding by over $1.5 billion for first responders. We restore those cuts—how about that—and actually increase funding by $544 million.

I am pleased also that the bill includes $31 billion for the wars in Iraq—I was against that war. I said we ought not go in there; we have no business being in there, but we are in there—and Afghanistan—I was for that war—including $16 billion for the war in Afghanistan, over $10 billion for force protection in Iraq, such as body armor and systems to defeat IEDs, $1.1 billion for the Wounded Warrior program, and $4 billion for other programs. It is a balanced package—a balanced package—and I support it.

The bill invests in the security of our homeland and supports the men and the women who are on the front lines of protecting our communities. The Border Patrol will hire 3,000 more Border Patrol agents to protect our borders. We nearly double funding for port security, chemical security—we know what that is about down in the Canaan Valley of West Virginia—and transit and rail security. The Justice Department will hire 100 new U.S. Marshals, 200 DEA agents, and 160 FBI agents, and we provide funding for hundreds of

new cops at the State and local level. Finally, we more than double funding, to a total of $108 million, for screening and treating illnesses suffered by those who bravely responded to the 9/11 attacks at the World Trade Center.

Because so many Americans are worried about their mortgages and the specter of foreclosure, this bill adds $180 million to provide credit counseling and foreclosure mitigation to subprime borrowers.

These are not just meaningless numbers on an obscure government ledger. There are consequences for our failure to invest in America. Did everybody hear that? There are consequences for our failure to invest in America. Bridges fall, fires destroy, hurricanes devastate. People get sick from food that is not inspected and drugs that are not adequately tested. Our schools, our roads, our transportation systems are all in need of serious attention.

This bill is a genuine effort to compromise so that we can move forward. It is a balanced bill. It is the result of over a month of bipartisan negotiations. For the sake of the welfare of our Nation, it is time—time, time—to govern. The ''gotcha'' politics that prevail in Washington must end. To continue it damages our country from within and damages our country from without and discredits both political parties—your party, my party—both political parties.

With respect to the explanatory statement for the bill, the House-approved amendment to H.R. 2764, was filed with the House Committee on Rules by Representative OBEY at approximately midnight Sunday night, December 16, 2007. Accompanying the amendment is an explanatory statement contained in the CONGRESSIONAL RECORD of December 17, 2007. That statement, like the amendment, is the product of bipartisan, bicameral negotiations. The joint explanatory statement is the final vehicle for conveying congressional intent with respect to purposes for which appropriations are made.

In order to assure that there is no ambiguity as to congressional intent, the House amendment includes a provision that provides that the explanatory statement submitted by Mr. OBEY and printed in the RECORD will serve the purpose of a conference report for determining congressional intent. I fully endorse this provision, for in its absence, this Administration, which strives to overturn statutory language in its bill signing statements, would completely ignore congressional intent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to be able to join my distinguished friend from West Virginia in advising the Senate that we have before us the Omnibus appropriations bill. It has been a long and difficult road getting to this point.

The President, in February, delivered a budget request to the Congress that included a robust increase for our Armed Forces, very few increases for nondefense discretionary programs, along with many proposed program cuts. Then, in the spring, the new majority in Congress laid out a very different vision for discretionary programs, one that called for some $23 billion in additional spending. We have before us an Omnibus appropriations bill that reflects many of the spending priorities of the Congress, both from the majority and minority perspectives, but the bill also reflects the very real concern about overall spending levels held by the President and most Members, certainly on the Republican side of the aisle.

The bill is, without question, an imperfect product of an imperfect process, but I think every Member of this body would rather have the opportunity to vote on appropriations bills individually rather than lumped together in one giant omnibus bill. I regret that the Senate did not take up and consider all 12 of the appropriations bills individually. When we fail to take up all of the bills, we invite the creation of an omnibus bill, lumping all the other bills together, such as this one, and we weaken the opportunity for the Senate to influence the content of these bills and shape the final legislation. I hope next year the leader will redouble his efforts to make time for consideration of all the appropriations bills, even though it is quite possible that we will again disagree with the President over appropriate amounts of discretionary spending.

Having said that, this omnibus bill is, in my view, superior to many of its predecessors in one sense: It contains virtually none of the legislative matter that is so often added to omnibus bills. And I give great credit to the chairman, my friend from West Virginia, and our two leaders, Mr. REID and Mr. MCCONNELL, for this fact. The business of the Appropriations Committee is complicated enough without importing legislative baggage from other committees in a way that often undercuts the delicate bipartisan and bicameral negotiations in other arenas.

I also note that the bill includes none of the riders or funding prohibitions that the President previously identified as likely to prompt a veto. While I am sure this is a disappointment to some Senators, it is an important factor in our being able to support the omnibus portion of this bill.

I also wish to touch briefly on the subject of earmarks. Much has been made about earmarking throughout the year. Clearly, there have been past cases of abuse, just as historically there have been abuses of legislative powers in other areas. I hope the heightened scrutiny and transparency of the appropriations process will eliminate any such abuses going forward. The Appropriations Committee and its staff have made extraordinary efforts to add transparency to the process going back to well before the enactment of the ethics reform bill.

I think all Senators are comfortable in openly defending the funding priorities they advocate and suggest be included in appropriations bills, and they should be. This is another reason why it is so important that the Senate make time to consider all of the appropriations bills in an orderly process.

The total amount of congressional earmarks funded in this bill is well below the level included in the fiscal year 2006 appropriations bills. I know the amount is reduced because we hear the protests from our colleagues and from our constituents as well. Whether the amount of earmarking in this bill is ideal, I don't know. I suppose it depends on the interests of the beholder. What I do know is Congress should never yield its right or its power to make annual spending decisions and include those decisions in the appropriations bills. Congress should not leave it up to the executive branch, and it should not be persuaded that last year's decisions are the right ones for the next year. That is why we have an annual process. Enacting a long-term, continuing resolution might appear to be an easy way to avoid controversy and disagreements. It is an abdication of our responsibilities.

If Congress has to undergo vetoes of appropriations bills and make modifications to bills as a result, so be it. But ultimately we need to finish our work in a timely fashion and provide Federal agencies and departments with a set of directives and spending priorities that reflect the collective will of the legislative branch in consultation with the executive branch. That is why we have hearings at the beginning of the annual appropriations process, to get the views of the administrators of the programs, to invite executives from the various departments to tell us what their challenges are, tell us what the President's priorities are, what the Cabinet Secretaries have to say about their needs and their suggestions for appropriate funding levels. We take those into account. These are serious issues that have to be considered by the Congress. That is what the Appropriations Committee tries to do every year, in reviewing the President's budget requests and the information we receive at our annual hearings.

Finally, I wish to say something about a part of this bill that is without question one that has to be fixed. The amendment adopted by the House of Representatives includes $31 billion to fund the deployment of American men and women overseas in the global war on terror. But the House amendment restricts operating funds to those fighting in Afghanistan and does very little to support our troops deployed in Iraq. While I understand the political needle the House was attempting to thread when it wrote this amendment, I think the message it sends to our men and women who are deployed in these countries is unfortunate.

The Senate dedicated a serious amount of floor time to the debate of Iraq policy this year. The debate was, of course, earnest and sometimes informative. Amendments have been offered and votes were taken on issues related to the war. Yet while the debates demonstrated a strong and sincere desire among Members to successfully conclude operations in Iraq as quickly as possible, there remains no broad consensus on any particular alternative to the policy currently advocated by the President or Ambassador Crocker or General Petraeus.

Let's be honest, that policy has produced undeniable successes in recent months. I am sure deeply felt disagreements remain on the subject of Iraq policy. But we have tens of thousands of American men and women who are deployed in Iraq and Afghanistan, performing missions assigned to them by our Government and with the blessing of Congress at the outset. Those men and women need the resources to succeed. To try to change American policy in Iraq by slowly starving our troops of resources they need is unfair to them and very dangerous to our Nation's interests. We should reject the House language and provide adequate funding to support our troops until well into next year.

I wish to end my remarks by thanking and commending our chairman, Mr. BYRD, my dear friend. We have worked together in writing and negotiating these appropriations bills and this package that is coming before the Senate. I know we haven't been able to agree on everything, but we have reached an accommodation so that we present this now at this point and urge its adoption. I thank all Senators who served with us on the committee for their diligent efforts.

Last year, we had a large appropriations train wreck. We do not want that again. It produced a large supplemental funding bill. But we brought together a bill this year, despite new rules and hard negotiations—renegotiations. I thank all our members for their hard work on both sides of the appropriations committee, and I am happy we will be able to present this bill to the Senate.

Mr. BYRD. Mr. President, I thank my able friend for his generous remarks, for his good work on the committee, and for his kind leadership. I wish for him and all his loved ones a very merry Christmas, in the old-time way.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent to speak as in morning business for about 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF DR. BILL HOGARTH

Mr. STEVENS. Mr. President, at the end of the year my good friend Dr. Bill Hogarth will be leaving his position as the leader of the National Marine Fisheries Service. Bill is the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, and his departure will mark the end of a 6-year tenure in this post.

Throughout Bill's career with the National Marine Fisheries Service, I have had many opportunities to work with him on Fisheries issues critical to the State of Alaska, to the Nation, and to international fisheries management organizations. Bill's knowledge of our fisheries and commitment to science-based management have helped to conserve and rebuild many of our most important fish stocks, both domestically and internationally.

Last January, the President signed our reauthorization bill for the Magnuson-Stevens Fisheries Conservation and Management Act, which mandates an end to overfishing by requiring fisheries management councils to adhere to science-based catch limits. As we wrote that legislation, my colleagues and I worked with Bill to ensure this goal would be met. His expert advice and insight into our Nation's fisheries regulations proved to be indispensable.

In Alaska, which has half the coastline of the United States and produces half of our Nation's fisheries products, Bill has also demonstrated a firm commitment to both conserving and supporting our State's fisheries. Under his tenure, the fisheries service has invested in the scientific research and facilities that will enable sound conservation of Alaska's fish stocks. Bill has also ensured effective implementation of all fisheries legislation important to our State.

Alaska native communities have also benefited under Bill's leadership. He knows that the survival of our Alaskan villages relies on maintaining access to fisheries and marine mammals, and therefore Bill worked hard to ensure that this access is upheld. At this year's meeting of the International Whaling Commission in Anchorage, during which Bill served as Commission Chairman, he secured the subsistence bowhead whale quota for Alaska Native communities. This was a significant victory at a contentious meeting, and our communities owe Bill a debt of gratitude for his achievements.

I am pleased that Bill will be remaining on as Chairman of the International Whaling Commission. I look forward to continuing to work with him in this capacity. This will build on his other achievements in the international arena—such as the International Commission for the Conservation of Atlantic Tunas, where, as Chairman, he was at the forefront of the fight against illegal, unreported, and unregulated fishing—a serious threat to all global fish stocks.

I thank Bill for his many years of service to our fisheries and fishing communities. I also thank him for his cooperation and friendship as we worked to achieve our common goals of fisheries sustainability. I think he has done a grand job for the Nation. I wish Bill and his wife, Mary, all the best in the future.

I yield the floor.

I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent in advance if I exceed the 10 minutes under morning business that I be allowed to continue unless a colleague comes here wishing to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA REAUTHORIZATION AND TROOP FUNDING

Mr. KYL. Mr. President, we are in a little bit of a lull here before we reach the final conclusion of this session of this Congress. But much of the debate is revolving around two pieces of legislation, one of which has been at least temporarily removed from the floor, the reauthorization of the Foreign Intelligence Surveillance Act, and the other one which is critical for us to act upon before we can leave Washington, DC, and return to our home States, and that is the ability to fund the troops whom we have sent on missions abroad in places such as Afghanistan and Iraq.

That funding has basically come to an end. The Defense Department has had to rob Peter to pay Paul, moving money from different accounts in the Defense Department in order to pay the ongoing effort of our troops. That is not the right way, the most efficient way, to ensure that our troops have what they need when they are fighting abroad. It is critical that we get the funding to the troops. The President has had a request out now for more than 10 months to try to get the funding on an emergency basis to them. Our minority leader will have an amendment later on this afternoon that will seek to add money to fund the troops, at least through sometime next spring. It is critical that we achieve that objective. That is the critical piece of business we have to attend to before we can leave.

I thought, in connection with both of those national security issues, that some comments that our friend, the former Speaker of the House of Representatives, Newt Gingrich, made back in September to the American Enterprise Institute were of special relevance and we might well consider

some of the things he said in thinking about how to move forward with this funding. Representative Gingrich said that to some extent the debate we are having right now is the wrong debate about what is necessary to defeat our enemy and win the war against the terrorists. The bottom line is, it cannot be done on the cheap. War is kill or be killed. You risk everything in war. As a result, what we have to do is think anew about the kind of bold effort and difficult undertaking this really entails. It does entail real risks, and we have to recognize that there are significant requirements for change in the way we operate.

Congress can't continue to provide money, just dole it out a few weeks at a time, hoping that will be sufficient for the troops. They have to be able to count on Congress to back them when we send them on a mission.

To some extent, as Representative Gingrich said, it is important to adopt a spirit that in some cases it is better to make a mistake of commission and then fix the problem than it is to avoid achievement by avoiding failure. In this regard, we have to have a national dialog about the true threat we are facing from this irreconcilable wing of Islam and what is necessary for us to defeat it, both in the ongoing conflicts in Afghanistan and Iraq as well as other places around the world where intelligence becomes our key tool in helping to defeat the enemy.

One of the things Speaker Gingrich did was to refer to some remarks Daniel Pipes, an expert on the Middle East, made about Islamists. He made it clear that they have significant assets at their disposal. They have potential access to weapons of mass destruction, a religious appeal that provides deeper resonance and greater staying power than the artificial ideologies of fascism and communism. They have an impressively conceptualized and funded and organized institutional machinery. They have an ideology capable of appealing to Muslims of every size and shape anywhere in the world. This is problematic. Finally, these militant Islamists have a huge number of committed cadres, some estimate as many as 10 percent of the Muslim population of the world, which, of course, is a far greater total than all of the fascists and communists combined who ever lived. As Daniel Pipes would say, this is a significant and impressive array of assets and potential against the Western world against which these Islamists have declared war.

Specifically, with reference to the intelligence I mentioned we have to focus on, the CIA Director, GEN Michael Hayden, testified a couple of months ago about his own judgment of these strategic threats facing the United States. Among the things he said was that our analysis with respect to al-Qaida is that its central leadership is planning high-impact plots against the U.S. homeland. They assess this with high confidence. So this is not just a guess about what might happen. With high confidence, they believe al-Qaida is planning high-impact plots against our homeland, focusing on targets that would produce mass casualties, dramatic destruction, and significant economic aftershocks. So our very survival as a free people is challenged by this large threat, and defeating it on a worldwide basis is inherently going to involve a very large effort, a degree of change we have yet to face.

We need a debate about the genuine risk to America of losing cities to nuclear attack or losing millions of Americans to engineered biological attacks. We also need a very calm dialog about the genuine possibility of a second Holocaust if the Iranians were to get nuclear weapons and use them against Tel Aviv or Haifa or Jerusalem.

All of these larger issues are sometimes lost in the debate about arcane provisions of something like the Foreign Intelligence Surveillance Act that we are seeking to reauthorize. We have to keep in mind what the object is. We have to defeat a very capable enemy which not only has the means but the will to defeat us in a war literally to the end.

We also need some realistic examination of the progress—or lack thereof—we are making in the larger war. I think we have to realistically assess where we are with respect to that. In the last year or so, Hamas has won an enormous victory in Gaza; Hezbollah has won a substantial victory in south Lebanon; Iran, Syria, Lebanon, Afghanistan, the Taliban sanctuary in the Waziristan, substantial instability in Pakistan, even in the Philippines and, to some extent, even in Great Britain. The estimates of terrorist sympathizers and potential sympathizers are far greater than the resources being applied to monitor them.

Again, to summarize this point with respect to intelligence surveillance, we have, even here in the United States, the spread of a militant extremist radical vision. It is funded by money from the Middle East, including Saudi Arabia. It is on the Internet, on television, it is in extremist mosques and schools. This advocacy of martyrdom, of jihad, suicide bombing, and violence against a modern civilization is not restricted to places abroad; it exists even in the United States.

At the end of our conflict in Iraq and of the debate about our intelligence collection activities, there is a simple test, and that is whether a free people are celebrating because the American people have sustained freedom against evil or, God forbid, violent evil enemies of freedom are celebrating because Americans have been defeated. Life would be easier if there was a more modulated answer, but there is not.

In war, there is a winner and a loser. If the American people will sustain this effort, we will win. But if American politicians decide to legislate defeat, then, of course, America could be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS-CONSENT REQUEST—H.R. 2771

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 2771, the legislative branch appropriations bill; that the only amendment in order be a substitute amendment at the desk which is cosponsored by Senators LEAHY, COLEMAN, KLOBUCHAR, SNOWE, OBAMA, DOLE, BAUCUS, SUNUNU, CANTWELL, COLLINS, CASEY, LIEBERMAN, LANDRIEU, KERRY, KENNEDY, and CLINTON—this amendment provides for $800 million in additional LIHEAP funding—that there be a time limitation of 30 minutes for debate equally divided in the usual form on the amendment; that upon the use of that time, the amendment be agreed to, the bill be read a third time, and the Senate, without any intervening action or debate, vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Vermont, I support this issue. All you have to do is look in the Washington Post today at their editorial. It says, among other things:

> This could be the start of an epic winter. If the past few winters here in the northeast have taught us anything, it is to be prepared to do whatever winter allows at the moment it allows.

We have to be prepared for a cold winter. We have some money in this bill that we hope to pass sometime in the next several hours to take care of some of the needs of the problems relating to the issue of LIHEAP; that is, money for people who are desperately poor and need help to keep their homes warm. That is what this is all about. I have told the Senator from Vermont that I am going to do everything within my power to get this issue before the Senate as soon as possible. Winter is not going to end at Christmastime. Winter is going to be here. We can move to enlarge the funding for this bill. That is a commitment I have. I think with the list of cosponsors he has on this proposed unanimous-consent request, it is something we should be able to get done.

The problem the distinguished Senator finds himself in is, it is late in the year. This is the first year of this session of Congress. There are always a lot of reasons for not doing things this late in the year.

I have admired this fine Member of Congress for many years, being with the people he best represents, people who don't have any representation. I admire what the Senator has done. I hope we can move forward on this now.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, on behalf of several Republican Senators, I object.

I would also note that I believe there may be one other unanimous-consent request, and I would be happy to suspend while that is made and then conclude my remarks in 3 minutes. I think the Senator from Rhode Island would like to speak, or I can go ahead and conclude, and then the Senator from Ohio could make his request—whatever the pleasure of the leader is.

Mr. REID. Has there been objection?

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized for up to 5 minutes to finish his statement, and then I would like to be recognized.

The PRESIDING OFFICER. The Senator from Arizona.

TROOP FUNDING

Mr. KYL. I will conclude in about 3 minutes.

Mr. President, the point I was making is this: It is easy to lose sight of the larger objective when we get down into the details of specific legislation, as we must do. It is important to understand it and to get it right, but we also have to keep our eye on the ball. To mix metaphors, you have to look at the forest and not get drawn down into the trees too much. The forest here is a very dangerous enemy which means to do us harm. They have the means to do it. They have the will to do it. We are fighting them in two different kinds of conflicts. We are fighting them in hot war in Afghanistan and Iraq. It is a serious proposition. Young men and women have been sent to these places to do battle, to lay their lives on the line to carry out the mission on behalf of the American people to secure those places for liberty. Not all of them will come home. Not all of them will come home without casualty. This is serious business. It requires our full attention, with a knowledge of the nature of the threat.

We cannot send them to do this job without being willing to provide them the funding they need to sustain their effort. Part of the debate today is ensuring that at least for the next 4 months, they will have enough money to get the job done.

By the same token, we have an enemy all over the world, including in the United States, which is plotting, our intelligence community assesses with high confidence, to carry out a devastating attack if they have the opportunity to do so. It is critical that we use the assets we have available to collect intelligence against these organizations and people wherever they are. The best way to defeat the radical Islamists who mean to do us harm is to prevent it in the first place. That is what good intelligence allows us. That is why it is important for us to reauthorize the Foreign Intelligence Surveillance Act.

My point is, on two of the great issues that are before us today, we have a violent enemy that needs to be defeated. The best way to do that is to support our troops and our intelligence agencies and the men and women who are carrying out the missions we have asked of them in defeating this enemy.

We have to understand the threat and understand that in America, in this great democratic Republic of ours, the American people are the center of gravity in any war. It is their support that is needed in order to achieve victory.

Our young men and women on the battlefield and our people serving us in the intelligence community are counting on us, the representatives of the American people, to see to it that they have what they need to carry out their missions.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that if this consent is granted, the first person recognized be Senator JACK REED, who wants to talk about a staffer, someone who works for him.

Mr. MCCONNELL. Will the leader yield? I did not hear him.

Mr. REID. If the consent is granted, I want Senator REED to be recognized for up to 8 or 10 minutes, let's say 10 minutes. Following that, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be recognized for up to 5 minutes.

UNANIMOUS CONSENT AGREEMENT—H.R. 2764

Mr. REID. Mr. President, I ask unanimous consent that when the Senate begins consideration of the message from the House on H.R. 2764, the Foreign Operations bill, there be 1 hour for debate equally divided between the two leaders or their designees on invoking cloture on the motion to concur in the House amendments; that the Senate vote on that cloture motion upon the use or yielding back of that time; that the mandatory live quorum be waived; that if cloture is not invoked, the Senate then proceed to amendment No. 2 of the House; that Senator MCCONNELL be recognized to offer a motion to concur in that amendment, with an amendment; that Senator FEINGOLD then be immediately recognized to offer an amendment to that motion; that there be 1 hour for debate equally divided in the usual form in relation to Senator FEINGOLD's amendment; that if his amendment does not attain 60 votes in the affirmative, it be withdrawn; that upon the disposition of his amendment, Senator LEVIN be recognized to offer his amendment to the motion; that there be 1 hour for debate equally divided on his amendment prior to a vote on his amendment; that if it does not attain 60 votes, it be withdrawn and the Senate immediately, without any intervening action, vote on Senator MCCONNELL's motion to concur; that if his motion does not attain 60 votes in the affirmative, it be withdrawn; that upon the disposition of House amendment No. 2, the Senate proceed to House amendment No. 1; that Senator REID then be recognized to move to concur in the amendment of the House, with an amendment containing the text of the House-passed AMT bill, H.R. 4351; that there be 1 hour for debate on his motion equally divided between the two leaders or their designees; that upon the conclusion of that time, the Senate vote on the motion; that if the motion does not attain 60 votes in the affirmative, it be withdrawn; that if it is withdrawn, Senator REID then be recognized to offer a motion to concur in the House amendment; that there be 2 hours for debate equally divided between the two leaders on that motion; that no other motions to concur or amendments be in order prior to the disposition of Senator REID's motions to concur.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, with regard to the 2 hours so designated for the AMT debate, I request the opportunity to modify: that Senator ISAKSON have 5 minutes, Senator CHAMBLISS have 5 minutes, Senator DEMINT have 15 minutes, Senator ENZI have 5 minutes, Senator GRASSLEY have 15 minutes, and Senator COCHRAN have 15 minutes—that is for the final vote, Mr. President, not the AMT vote.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Hearing none, it is so ordered.

Mr. REID. Mr. President, speaking on behalf of—and Senator MCCONNELL certainly can speak on behalf of himself—I appreciate the cooperation of everyone. These are very difficult issues, and there is a lot of work we have not done. But that is the way it always is at the end of a session like this. So I appreciate everyone's cooperation. I hope no one has been offended with my being a little pushier than usual, but I had a little pushing on my side anyway, pushing me to get this done. Everyone has a lot to do.

We have one Senator who needs to get things done tonight. She has a sick daughter. She has to go home. We have a lot of issues we need to address.

So we will now hear from Senator REED and Senator BROWN, and then we will be on the bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President. First, let me thank the majority leader for arranging this time.

TRIBUTE TO DENNIS P. RILEY

Mr. REED. Mr. President, I rise to pay tribute to an outstanding Rhode Islander and a superb employee of the Senate who is retiring after 34 years of Federal service—my friend, my colleague, someone I admire immensely, Dennis P. Riley.

Dennis Riley has worked in my Providence office since I was elected to the Senate. But before that, he was a longtime employee of Senator Claiborne Pell, my predecessor. Dennis was born in Pawtucket, RI, on March 3, 1948, and attended St. Raphael's Academy. He went on to earn a bachelor of science in history and political science at the University of Wisconsin in 1971.

He taught history for a brief time in the Pawtucket School System and was a graduate student in the Masters in Teaching Program at Rhode Island College. In 1972, he became the field coordinator for U.S. Senator Claiborne Pell's reelection campaign and formed a bond with Senator Pell and public service that lasts to this day.

Dennis came to serve on the personal staff of Senator Pell, first as a staff assistant in Washington, DC, from 1973 to 1978. But in recognition of those skills and the commitment he brought to bear as a staff member for Senator Pell, Senator Pell chose Dennis to serve as his campaign manager for his next successful reelection effort. So Dennis returned to Rhode Island and successfully planned and executed the Senator's reelection campaign.

From 1979 to Senator Pell's final day in office, Dennis worked as assistant director of the Senator's Rhode Island office. He was a trusted employee of Senator Pell, and, more importantly, Dennis remains close to the Pell family today.

As Senator from 1961 to 1997, Senator Claiborne Pell's legacy includes establishing Pell grants as well as creating the National Endowment for the Arts and the National Endowment for the Humanities. Senator Pell was also noted as a diplomat, and he served with distinction as chairman of the Foreign Relations Committee. Senator Pell's legacy is a model for all of us, particularly for myself. Dennis Riley is a testament and a part of that tradition of talented and conscientious public servants who labor, perhaps in the shadows, but it is their work that is decisive in our success on the floor.

After Senator Pell retired, and the people of Rhode Island gave me the chance to continue his good works, Senator Pell spoke so highly of Dennis that I asked him to join my staff. It is one of the best decisions I have ever made. He brought with him a keen knowledge of the workings of the Senate, a history and knowledge of Rhode Island politics, good judgment, great wisdom, and great character. In the ensuing years, we have become dear friends, and he is a trusted adviser.

During his tenure with my office, Dennis has worked on special projects and has assisted hundreds of agencies and organizations as they sought Federal assistance and thousands of Rhode Islanders who needed help, who needed someone to listen to their stories, and to let them know there is a government that cares about them, because Dennis Riley is a person who cares deeply, not just about Government but about the people we serve.

In Rhode Island, he has been involved in crafting many public policy initiatives, and he has been particularly active as my point person on Federal grants and the applications process for the Appropriations Committee.

He has shepherded projects through. He has brought people together for the common good. He has made a significant impact on the economic vitality of my State. Although Dennis's name will never be lauded in the news reports or press releases, his hand is seen in so many efforts to make our State an even better place to live, work, and raise our families.

Everyone who knows Dennis sees him as a kind and decent man, with a great heart, a great mind—someone we are proud to call a dear friend.

His compassion and quick Irish wit are legendary. For years, transplanted Rhode Islanders in Washington, DC, and politicos in our State eagerly awaited, every day, the ''Riley Report''—a carefully crafted summary of the day's topical stories, political news, and a retelling of the events of the day in Rhode Island. This complete and unbiased commentary of the author provided the ''real story,'' very often, of what was going on in Rhode Island.

Well, after his distinguished service to the Senate for 34 years, Dennis now will be retiring to his beloved home in Little Compton, RI, with his wife—the love of his life—Kathy McLaughlin Riley. Kathy is a warm and lovely person, who has devoted her life to educating children. She is an elementary teacher at the Elizabeth Baldwin School in Pawtucket, and she will soon join Dennis in retirement.

In their well-deserved retirement, Dennis and Kathy plan to travel extensively. They are avid baseball enthusiasts, and they plan to visit all the ballparks they have not yet seen. It will be an inspiring and interesting trip for both of them.

He will also be spending time caring for his family, including creating more memories with his many nieces and nephews who so treasure his company. I wish both Kathy and Dennis much happiness and fulfillment in the years ahead.

Now, on behalf of myself—and also I will take the liberty to speak on behalf of my esteemed predecessor, Senator Claiborne Pell—I would ask all my colleagues in the Senate, who treasure, as I do, the loyalty and the devotion of their staffs, to join me in paying tribute to a stellar Senate employee, Dennis Riley.

Rhode Island has been honored by his service, and the Reed staff will fondly remember his time with them. We formed a lasting bond that will never be severed, and we treasure that bond.

As Dennis files the final ''Riley Report,'' I wish him every good wish.

Now, Dennis is Irish, and that means he has a rather somber view of the world. He has a saying on his office door that reads: ''There is nothing so bad that it can't get worse.'' That is a typically Irish sentiment. As we send him off, however, let me offer another sentiment. Dennis:

May the saddest day of your future be no worse

Than the happiest day of your past.

Thank you for your friendship, and thank you for your service.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

FOOD PANTRIES

Mr. BROWN. Mr. President, on Monday, in Hocking County—a small-town, rural county in southeast Ohio—residents began forming a line at the Smith Chapel United Methodist Church Pantry before dawn. By 8:30, when volunteers began distributing food, the line of cars stretched for more than a mile and a half. By early afternoon, more than 2,000 residents had received food. That is over 7 percent of the local population. Mr. President, 1 out of 14 people in this county had received food from this food pantry. Eight years ago, the same pantry was serving 17 families a month. Two thousand people in one day; 17 families for the whole month 8 years ago.

The Freestore Foodbank in Cincinnati, OH, has seen a 52-percent increase in demand this year. Many of these new patrons are working people. They are working minimum-wage jobs. Some hold two jobs. They are not just the homeless. They are not just the dispossessed. They are all kinds of people who have had a series of bad luck in the last several months.

With food prices going up, fuel prices going up, wages stagnating, and subprime foreclosures continuing to hit home, working middle-class Americans are finding it difficult to find room in their budgets for food.

More Americans in need; less food available—the result is far too much human suffering. Think of this. In the wealthiest Nation in the world, people are waiting in line for a subsistence level of food, and some of them are not even receiving that. The men and women and children waiting in line for food are men and women and children you have passed on the street—mothers and fathers trying to feed their kids, children too proud to admit there is no lunch money in their pocket, no food in the refrigerator, no holiday meals ahead; no food.

Grandmothers raising their grandchildren, living on fixed incomes, relying—because they have no choice but to rely—on food pantries, on food donations, on food banks.

The unemployed, the sick, the aged, the homeless, the mentally ill. And in Hocking County, 1 out of 14 people went to one food bank on 1 day. There are people who live in the communities that all of us serve. Food banks in Ohio, in Montana, Michigan, Illinois, Arizona, New York, New Mexico, North Dakota, and Rhode Island and in every State of the Union are underfunded and overextended. Food banks too often are rationing rations, trying to prevent children and families from going hungry over the holidays. In Lorain, OH, my hometown, the Salvation Army Food Pantry ran out of food completely and was forced to close temporarily. The society of St. Vincent de Paul Food Pantry in Cincinnati has been forced to give families 3 or 4 days of food instead of the customary 6 or 7 days of food when people come to see them. In Athens County, OH, earlier this month, the director of the Family and Friends Choice Pantry was actually ''praising God we are in a snowstorm and not many people showed up'' because if they had, her pantry would have run out of food. In Ohio as a whole, 70 percent of food pantries don't have enough food to serve everyone in need.

That is why earlier last week I offered legislation to act to alleviate the current food shortage. That is why I want to see us include $40 million in emergency food aid for food pantries across my State and across the country. I appreciate the leadership of Senator DURBIN and Majority Leader REID in wanting to include this at the next opportunity come January to get this $40 million out to the States, out to churches and food banks and food pantries so that the 1 out of 14 people in Hocking County and people in need all over this country can get the assistance we can afford to give them.

Mr. DURBIN. Mr. President, will the Senator from Ohio yield for a question?

Mr. BROWN. I yield to the senior Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to ask through the Chair—I want to first thank the Senator from Ohio for his leadership on this issue. He is new to the Senate but not new to this issue.

Times have changed in America, and not for the better when it comes to food pantries. People need help. I just this Sunday visited the Greater Chicago Food Depository and learned that there is an 11-percent increase over last year in the number of people coming into food pantries served in the greater Chicagoland area, and most of them have jobs. These are people who, when they fill up the gas tank and need another $20 to fill the tank, realize they are not going to have enough money to buy food for their children that they planned on buying, and they make a stop at the food pantry.

I would like to ask the Senator from Ohio whether he is familiar with Second Harvest, which is a major national organization that involves itself in the processing of contributions from private industry and from the Federal Government into food pantries, and whether he has any experience in dealing with the Second Harvest food pantries in his area or other food pantries.

The last point I would like to make is that we were told on Sunday that people who care, particularly during this holiday season, should go to secondharvest.org, but find their local pantry, find where they can drop off food, volunteer for an hour, make a donation, do something that will make you feel good about yourself this holiday season.

But I would like to ask the Senator from Ohio whether he has been contacted by these agencies dealing with Second Harvest.

Mr. BROWN. Mr. President, I thank the senior Senator from Illinois for his work on food issues and on other issues, including everything from subprime to minimum wage and all issues where we can play a role in improving the lives of people who, as the Senator from Illinois said, are working, in most cases, full-time jobs.

Second Harvest is one of the great organizations in this country—in Illinois, in Ohio, in Nevada, and in Vermont, all over this country. I urge people, understanding that Second Harvest is not getting the donations they used to get, they are not getting enough help from the Government, they are not getting as much from supermarkets and from businesses as they got before, and they, frankly, are not getting as many charitable donations because people who gave before sometimes are in need themselves because it is often people who don't make a lot of money who are the most generous with their money and with their assistance, to plea to people in our States, businesses, individuals who are as lucky as we are in this Chamber, to help Second Harvest, to go on Web sites and look in the yellow pages and look around their communities where they can help people so that this will actually make a difference. So I thank the Senator from Illinois for his interest.

Mr. REID. Mr. President, I mentioned to my friend from Ohio a fact that I just heard. I hope it is wrong, but if it is wrong, it is not much wrong. The average income of people who vote in America today is $70,000 a year. I am very happy we have people who have a little—people of means who are voting, but the reason I mention that is the last two issues that have been brought before the Senate, one dealing with LIHEAP—that is, how people stay warm in the wintertime; that was by the Senator from Vermont, Mr. SANDERS—and now the Senator from Ohio is talking about food banks. In Nevada, 25 percent of the homeless are veterans, and we have a very difficult problem, especially in Las Vegas. The weather is warm most of the time. We have people who are homeless there who are destitute. Food banks is the difference between being very hungry and having something to eat.

I, at one time, in disguise, spent 2 days with the homeless. It was a number of years ago that I did that, but it is something I will never forget. People are not there because they want to be. They are not there because they are lazy. There are some who are alcoholics, and there are some who have drug problems, there is no question about that. But there are so many of these people who have emotional problems who have no community health centers where they can go, so they are just down and out.

All the Senator from Ohio is saying is that food banks, the places where the poorest of the poor go to get a meal, don't have food. I want the attention to be directed to the last two things we have tried to work on: keeping people warm in the wintertime and helping people so they are not starving. So I appreciate this.

The people who are cold in the wintertime don't have people to come and lobby for them. People who are homeless don't have people here lobbying for them, coming in their limousines and parking over on Constitution Avenue, and sometimes they are in their Gucci shoes and they have to walk all the way across half a block to come and lobby for some of the tax breaks they want. For people who are hungry and people who are cold, that isn't the case. So I appreciate very much the Senator from Ohio bringing to the attention of the Senate something that needs to be done.

CONSOLIDATED APPROPRIATIONS ACT, 2008

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message from the House on H.R. 2764.

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2764) entitled ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes,'' with amendments.

CLOTURE MOTION

Mr. REID. Mr. President, I move to concur in the amendments of the House. I have a cloture motion.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to

H.R. 2764, State, Foreign Operations Appropriations, 2008.

Harry Reid, Jeff Bingaman, Barbara A. Mikulski, Byron L. Dorgan, Daniel K. Inouye, Patrick Leahy, Max Baucus, Mark Pryor, Debbie Stabenow, Kent Conrad, Patty Murray, Bill Nelson, Jack Reed, Ken Salazar, Blanche L. Lincoln, Tom Carper, Herb Kohl, Ben Nelson, Dick Durbin.

Mr. REID. Mr. President, the manager of this bill is going to be the chair of the Foreign Operations Subcommittee. Senator BYRD has designated Senator LEAHY to manage this bill. During the hour that is prior to this cloture vote, we have a few people who want to speak; maybe not all the time will be used. I hope during the evening people will be considerate of talking when they have to. These issues are fairly well pronounced now. We know what they are. We have a domestic spending bill that has been worked out through the House and the Senate, Democrats and Republicans. We have the White House which has been involved in that. That part should be fairly easy. It may not be everything we want, it may be more than what some want, but it should not take a lot of time.

We have three amendments relating to the debate on the war funding. One is the McConnell amendment which will try to increase war funding up to $70 billion out of the $196 billion the President has asked for. We also are going to have an amendment offered by Senator FEINGOLD that will deal with a matter we brought before the Senate on other occasions which calls for our troops to be back by the middle of May of this next year, leaving troops to take care of counterterrorism, force protection, and training the Iraqis to a limited extent. Then we have an amendment which will be offered by Senators LEVIN and REED that will call for additional funding for Iraq, but in addition to that, it will have some accountability that is now not in existence.

Mr. President, as the majority leader, I designate Senator LEAHY as the controller of our time during the debate on this matter.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided between the two leaders or their designees prior to the vote on the motion to invoke cloture.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will hopefully not even need the full hour, and we will be able to go ahead and have the cloture vote. I believe Senator GREGG is going to be managing on the Republican side once he gets here. Hopefully, it will be possible to just yield back all of our time before the end of the hour and go to a vote. I will yield in just about 3 minutes to Senator MURRAY from Washington State for 10 minutes.

Mr. CRAIG. Mr. President, will the Senator consider yielding to me for no more than 5 minutes on a separate issue before we get heavily into the debate?

Mr. LEAHY. Mr. President, the time has been equally divided, and I ask unanimous consent that the Senator from Idaho, when recognized, be able to take 5 minutes from the time set aside on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am pleased that the Congress will send the Openness Promotes Effectiveness in our National Government Act—the ''OPEN Government Act—S. 2488, to the President for signature before the end of this year. With House passage of this bill today, and the Senate's passage of it last Friday, this historic, bipartisan, bicameral legislation becomes the first major reform to the Freedom of Information Act, FOIA, in more than a decade. The American people will have a new law honoring the public's right to know under the tree this holiday season.

I commend House Government Reform and Oversight Committee Chairman HENRY WAXMAN for moving quickly to enact this bill, and for his leadership of the successful effort to pass FOIA reform legislation in the House of Representatives. I thank him and his staff, including Anna Latin, Michelle Ash and Phil Schiliro, for all of their hard work on this legislation. I also commend Representative WILLIAM ''LACY'' CLAY, JR., for sponsoring this legislation in the House.

I also thank the members of my staff who worked on this bill—Lydia Griggsby, Lauren Brackett, Erica Chabot, Bruce Cohen and Leila George-Wheeler—for all of their hard work on this bill.

I also commend the bill's chief Republican cosponsor in the Senate, Senator JOHN CORNYN, for his commitment and dedication to passing FOIA reform legislation this year.

I am also appreciative of the efforts of Senator JON KYL for cosponsoring this bill and helping us to reach a compromise on this legislation this year. I also thank the more than 115 business, news media and public interest organizations that have endorsed this legislation.

As the first major reform to FOIA in more than a decade, the OPEN Government Act will help to reverse the troubling trends of excessive delays and lax FOIA compliance in our government and help to restore the public's trust in their government.

This legislation will also improve transparency in the Federal Government's FOIA process by: restoring meaningful deadlines for agency action under FOIA; imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

The OPEN Government Act will protect the public's right to know, by ensuring that anyone who gathers information to inform the public, including freelance journalists and bloggers, may seek a fee waiver when they request information under FOIA.

The bill ensures that Federal agencies will not automatically exclude Internet blogs and other Web-based forms of media when deciding whether to waive FOIA fees. In addition, the bill also clarifies that the definition of news media, for purposes of FOIA fee waivers, includes free newspapers and individuals performing a media function who do not necessarily have a prior history of publication.

The bill also restores meaningful deadlines for agency action, by ensuring that the 20-day statutory clock under FOIA starts when a request is received by the appropriate component of the agency and requiring that agency FOIA offices get FOIA requests to the appropriate agency component within 10 days of the receipt of such requests.

The bill also clarifies that the Supreme Court's decision in Buckhannon Board and Care Home, Inc. v. West Virginia Dep't of Health and Human Resources, which eliminated the ''catalyst theory'' for attorneys' fees recovery under certain Federal civil rights laws, does not apply to FOIA cases.

Furthermore, to address concerns about the growing costs of FOIA litigation, the bill also creates an Office of Government Information Services in the National Archives and creates an ombudsman to mediate agency-level FOIA disputes.

In addition, the bill ensures that each Federal agency appoints a Chief FOIA Officer to monitor the agency's compliance with FOIA requests, and a FOIA Public Liaison who will be available to resolve FOIA related disputes. And, the bill creates a better tracking system for FOIA requests to assist members of the public and clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

Finally, this bill contains a number of key improvements championed by Chairman WAXMAN. The bill includes ''pay/go'' language that will ensure that attorneys' fees that are awarded in FOIA litigation are paid for with annually appropriated agency funds.

The bill also eliminates a provision on citations to FOIA (b)(3) exemptions contained in the earlier Senate bill. In addition, the bill includes a new provision that requires Federal agencies to disclose the FOIA exemptions that they rely upon when redacting information from documents released under FOIA.

And the bill adds FOIA duplication fees for non-commercial requestors, including the media, to the fee waiver penalty that will be imposed when an

agency fails to meet the 20-day statutory clock under FOIA.

The enactment of FOIA reform legislation this year is an important milestone in the effort to restore openness and transparency to our government. By sending this meaningful FOIA reform bill to the President this year, the Congress also sends a powerful message to the American people that the era of excessive government secrecy has come to an end.

While I am pleased that the reforms contained in the OPEN Government Act will ensure that FOIA is reinvigorated for future generations, my work to strengthen FOIA will not end with the enactment of this legislation.

There is much more work to be done to ensure that we have a government that is open and accountable to all Americans. And I will continue to work with Senator CORNYN, Chairman WAXMAN and others to further strengthen this vital open government law.

I urge the President to promptly sign this open government legislation into law at the earliest opportunity.

So again, I am pleased today that the Congress is going to send the Openness Promotes Effectiveness in our National Government Act—also known as the OPEN Government Act—and for those who follow this issue, FOIA. They are going to send it to the President before the end of this year. With passage of this bill today in the House and the Senate's passage of it last Friday, this historic, bipartisan, bicameral legislation becomes the first major reform of the Freedom of Information Act in more than a decade. The American people are going to have a new law honoring the public's right to know, and they will have it during this holiday season.

I commend the House Government Reform and Oversight Committee chairman, HENRY WAXMAN, for moving quickly to enact this bill and for his leadership. I wish to thank him and his staff, including Anna Latin, Michelle Ash, and Phil Schiliro, for all of their hard work on the legislation.

I commend also the chief Republican cosponsors in the Senate, Senator JOHN CORNYN and Senator JON KYL, for joining me in this effort.

The reason this legislation is so important is that throughout my whole career in the Senate, I have always supported the idea of the Freedom of Information Act. We all know no matter who is in the administration, whether it is a Democratic or a Republican administration, that when they do things they want us to know about, the press releases flow. When they make a mistake—and all administrations do—they would just as soon we not know about it, whether money has been wasted or whether a policy has not been followed. The Freedom of Information Act allows the American public—and after all, the Government serves them—to find out, through individual private citizens, and through the press, what is happening in their government. It has saved billions of dollars over the years because of what they found out, but more importantly, it has kept our Government honest. I wrote the Electronic Freedom of Information Act which allowed us to use the Internet and electronic files for that purpose.

But this month, the Open Government Act—the first major reform in more than a decade—is going to help reverse the troubling trends of excessive delays, the lax compliance with FOIA and will help restore public trust in our Government. It will improve transparency and restore meaningful deadlines for agency action under FOIA. It will also impose real consequences on Federal agencies who miss the 20-day statutory deadline. It will clarify that FOIA applies to Government records that are held by outside private contractors. The Open Government Act will establish a FOIA hotline service for all Federal agencies, and create a FOIA Ombudsman, which will provide a meaningful alternative to costly litigation.

Chairman WAXMAN wanted pay-go language to ensure that attorney's fees that are awarded in FOIA litigation are paid for with annually appropriated agency funds, and that has been included in this bill.

This is an important milestone. The Open Government Act contains reforms that ensure FOIA is reinvigorated for future generations. I don't intend to give up after this effort, of course. We will continue to work with our oversight. We will continue to pursue efforts on FOIA. But what we have said is that no matter who is the next President, they will have to run a Government that is more open than it has been in the past, and all 300 million Americans will have a better chance to know what happens in their Government.

This is a great step forward for the access of a free press, and for an honest and open Government in this country.

Mr. President, I yield such time as the Senator from Washington State may need of the time I have. I yield 10 minutes to the Senator from Washington State.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as chairman of the Transportation, Housing, and Urban Development Subcommittee, I have mixed feelings as I rise to talk about the transportation and housing division of this Omnibus appropriations bill.

This bill is the result of a lot of hard work, and there is a lot to be proud of. At the same time, I regret that over the last month, we have had to strip some $2.1 billion in resources from it. As all of us know, the Omnibus bill before us has a total cost that is slightly higher than the levels requested by President Bush, and much of the press coverage surrounding this bill has highlighted the fact that we have shrunk this bill down to the levels that were requested by the President. But when it comes to the transportation and housing division of this bill, I wish to make it clear to my colleagues that the budget reflected in this bill is not the President's budget. Instead, this bill makes great strides in rejecting President Bush's hardest and harshest cuts in transportation and housing, and it includes critical initiatives that are new that will make important improvements to transportation safety.

I am proud of what this bill accomplishes. It provides funding to hire and train new air traffic controllers, and it rejects the President's efforts to cut funding to modernize the air traffic control system. It responds to our need to address crumbling infrastructure, especially our Nation's highway bridges, and it responds to the worsening congestion our families experience on our highways and our runways.

This bill rejects the efforts by the administration to slash funding that would ease congestion at our airports. It rejects his efforts to push Amtrak into bankruptcy and leave millions of Americans stranded on the platform. And it rejects his attempt to walk away from the needs of millions of Americans who depend on the Federal Government to keep a roof over their heads, including our elderly and our disabled.

Finally, this bill reaches a helping hand to the millions of families who are worried at this holiday season about whether they will be able to keep their homes in the coming year. Millions of people are facing foreclosure on their homes in the coming months as mortgage payments are rising out of control. There are communities in this country where every third home or even every other home is being abandoned by homeowners who cannot make their payments.

This bill addresses that crisis by targeting almost a quarter of a billion dollars to ensure that our families get the counseling they need. This kind of housing counseling can make all the difference for homeowners who are struggling to make payments and to keep their homes. The amount this bill provides for housing counseling is more than 4½ times the level that was asked for by President Bush.

Earlier this year, my very able partner Senator BOND and I held numerous hearings on the most important transportation and housing challenges that face this Nation. Together we negotiated every line of a very complicated spending bill with each other and then with our colleagues in the House. We were able to put together an appropriations bill that was reported, in fact, unanimously by our committee and passed the Senate with 88 votes. We then negotiated a conference agreement that earned the signature of every single conferee on both sides of the aisle on both sides of the Capitol. So we produced a truly bicameral, bipartisan bill.

Unfortunately, even though House Democrats, House Republicans, Senate

Democrats, and Senate Republicans were agreed on a balanced package that did address our transportation and housing needs, the one person who did not agree with us was President Bush. Because of that, we are blocked from sending our Transportation bipartisan bill to his desk for a veto.

Since that time, we have had a couple of very difficult negotiations and, as a result, we have had to strip almost $2.1 billion of funding out of our part of the bill. There are real consequences to those additional cuts on which the President insisted. Transit riders across the country are going to ride in outdated buses because there is not enough money to replace them. Construction of new light rail systems in some of our most congested cities is going to be slow. Discretionary highway programs have been stripped of the dollars that would have been available for national competitions.

Because of the President's demands, we were required to cut matching funds that we were sending to the States to support expanded passenger rail service. We reduced the initial commitment made by our conferees to expand the number of family unification vouchers. That is a program that provides the necessary housing assistance so foster children and their struggling parents can be reunited in a stable household.

We were required to slow the release of a satellite navigation throughout our national aerospace.

As I said, I have mixed feelings about this bill. We were dealt a very difficult hand by the President's budget demands, and in order to live within those constraints and move forward, we had to make some difficult cuts, and those cuts mean we have had to put off important investments in transit, in highways, and in community development, among many other areas.

Still, I appreciate the work of my colleagues to ensure that this bill rejects the President's worst transportation and housing cuts. Instead, this bill responds to the most critical needs in transportation and housing and makes sure our broken bridges and highways get repaired, that our crowded airports are safe, Amtrak is protected from bankruptcy, and we are protecting our most vulnerable citizens from homelessness.

Finally, I do want to spend a couple minutes on a related subject. In the last few days, the Appropriations and Finance Committees were able to reach an agreement on the way FAA funding will be made available in the future. I am letting my colleagues know, this past fiscal year was supposed to be the year Congress finished important legislation to reauthorize our Federal aviation programs. That included the core authorizations for the operations of the FAA, as well as the agency's procurement budget, research budget, and Federal grant program that are used to improve and expand our Nation's airports.

I regret Congress was not able to make more progress on the legislation this year, but thankfully this appropriations bill now includes a number of important authorities and funding that will keep the FAA functioning and keep the airport and airway trust fund solvent.

This conference agreement extends the current aviation excise taxes until the end of February, and it includes provisions to extend the existing war insurance risk program, as well as third-party liability protections.

The bill also includes funding that rejects the President's proposed cuts to essential air service which guarantees air service to a lot of our rural communities, something about which many of us care. And it rejects the President's proposed cuts to our effort to modernize the air traffic control system and invest in airport infrastructure.

Congress has not been able to finish the FAA reauthorization process in part because of the disagreements among the Senate committees about what their role is in overseeing and funding FAA programs. There are also disagreements about what type and mix of taxes and fees are supposed to be used to fund the FAA. But I am pleased to report that we have now successfully worked through one of those disagreements. Over the last 2 days, the two committees have come to an understanding about how funding for FAA programs will be moving forward.

I ask unanimous consent to have printed in the RECORD the exchange of letters between the leadership of the two committees.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 20, 2007.

Hon. MAX BAUCUS,
Chairman, Committee on Finance,
U.S. Senate, Washington DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Committee on Finance,
U.S. Senate, Washington DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: We understand that your Committee will convene this afternoon to mark-up the ''American Infrastructure Investment And Improvement Act.'' We write to express our great concern regarding provisions of your draft legislation that would create a new mandatory funding mechanism for the modernization of the FAA's air traffic control system. According to documents distributed by your Committee, your proposal would exempt certain modernization funds from the annual appropriations process and the oversight of our Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies. In our view, such an action would be inappropriate and detrimental to the Congress's ability to review and control FAA spending.

The Committee on Appropriations shares your goal for the modernization of our air traffic control infrastructure with a next-generation system. Indeed, this year, as in past years, our Committee has directed resources to the development of this next generation system beyond the levels sought in the FAA's own budget request. At the same time, however, our Committee has gone to great lengths to highlight and control wasteful programs where the FAA has encountered dramatic cost overruns for systems that are delivering fewer improvements than were originally promised to our Committee and the taxpayer. Unfortunately, such instances are not a rare occurrence at the FAA.

As is discussed in our Committee report accompanying the Transportation Appropriations Act for 2008, fully 25 percent of the FAA's 37 major procurement projects have encountered schedule delays or substantial cost overruns since their initial contracts were signed. Since 2001, the accumulated schedule delays for these programs now exceed 296 months and the associated costs to the taxpayers have grown by almost $1.7 billion. When you compare the performance of these programs to the FAA's estimates at each program's inception, accumulated delays now approach 400 months and cost growth exceeds $5 billion. Innumerable audits by the DOT Inspector General and Government Accountability Office make clear that, while improvements are being made in the FAA's procurement processes, the agency still has a very long way to go before the Congress and the taxpayer can be assured that funding for a next generation system will be spent wisely.

Our Committee is committed to providing that funding but is equally committed to overseeing the agency's efforts to ensure that such funding isn't wasted. Given the FAA's record, we do not see any merit in putting any part of the FAA modernization budget on ''automatic pilot'' and substituting our Committee's oversight role with that of an un-elected ''Modernization Board'' that is not answerable to the taxpayers that are bearing the agency's costs. We believe that efforts to exempt any part of the FAA's funding from annual Appropriations Committee oversight is particularly unwise and potentially wasteful. We strongly oppose such efforts and ask that you revise these provisions before the bill is brought before the Full Senate for debate.

We look forward to working with you this year and in the years ahead to launch a modernized air traffic control system in a manner that is both accountable and affordable.

Sincerely,

ROBERT C. BYRD,
Chairman.
PATTY MURRAY,
Chairman, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.
THAD COCHRAN,
Ranking Member.
CHRISTOPHER S. BOND,
Ranking Member, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
Washington, DC, December 11, 2007.

Senator PATTY MURRAY,
Russell Senate Office Building,
Washington, DC.
Senator KIT BOND,
Russell Senate Office Building,
Washington, DC.
Senator THAD COCHRAN,
Dirksen Senate Building,
Washington, DC.
Senator ROBERT C. BYRD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS BYRD, COCHRAN, MURRAY, AND BOND: We are in receipt of your letter dated September 20th, 2007, in which you cite

your collective concern regarding provisions in the American Infrastructure Investment and Improvement Act that relate to the manner in which tax revenues authorized in the Act are provided to the Federal Aviation Administration for its procurement needs. We all share the same interest in modernizing our air traffic control system as quickly and efficiently as possible.

We appreciate your concerns regarding the role of un-elected entities in developing Federal policy, and we believe strongly that Congress should retain its constitutional authority to raise revenue and appropriate funding.

In your letter, you voice your concern that our bill, as drafted, might result in the FAA receiving annual mandatory funding outside of your Committee's control. You also voice concern that provisions of our bill could result in an external un-elected board, rather than Congress, having the authority to make Federal funding allocations to specific FAA procurements.

In order to eliminate any ambiguity regarding these matters, it will be our intention to immediately modify the text of our bill when it either reaches the Senate Floor or is incorporated into any other vehicle so as to ensure that these concerns are addressed. Specifically, the bill will be modified to ensure that no new mandatory funding will be provided to the FAA and that the Committee on Appropriations will continue to retain its current role of determining the final funding level for all programs, projects, and activities within the Federal Aviation Administration through annual and supplemental appropriations acts.

Our national aviation enterprise faces a great many challenges in the years ahead as air traffic continues to grow faster than available capacity. Our Committee is committed to working as a partner with your Committee to ensure that we establish and maintain the safe and efficient state-of-the-art air traffic control system that the American taxpayers want and deserve.

MAX BAUCUS.
CHUCK GRASSLEY.

Mrs. MURRAY. Mr. President, the final paragraph of the letter our Appropriations Committee received from Chairman BAUCUS and Ranking Member GRASSLEY of the Finance Committee states that they look forward to working with our Appropriations Committee as partners in advancing the needs of our aviation system.

As one member of the subcommittee that oversees aviation funding, I express my strong interest in working as a partner with both committees to come up with a bill that fully addresses the future needs of our national aviation system. I hope that important effort will be one of the Senate's first priorities when we reconvene next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration S. 2499, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2499) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, as we approach the end of 2007, one cannot help but look ahead and see that there are many challenges that await us in the second session of the 110th Congress, specially in addressing issues relating to health care. In 2008, we will need to take a serious look at many issues in the Medicare Program. Among them will be continuing to work on developing a solution for Medicare's flawed physician reimbursement system. As usual, I look forward to working with my partner on the Senate Finance Committee, chairman, Senator MAX BAUCUS, in our usual bipartisan way to address this and many other issues.

However, before we could adjourn this first session and go home to enjoy the holidays with our families, there was still urgent work to finish. That was the purpose of this exercise. In the legislation we considered today, there were several provisions that rise to the level of ''must do's.'' These included ensuring that physicians do not receive a drastic cut in their Medicare reimbursement and extending a number of expiring provisions including the State Children's Health Insurance Program.

Ensuring health care access to my constituents is a top priority of mine and the possibility of a negative update for physicians was of great concern to me as well as to doctors and patients in Iowa and elsewhere. When discussions began to solve this problem I was in favor of a 2-year update. I know that several of my colleagues were as well. But in continuing negotiations with the House and Senate colleagues it became apparent that a 2-year fix was not possible.

I wanted to do more. I know Senator BAUCUS wanted to do more. We were unable to reach consensus even on the Republican side either and, therefore, the Finance Committee was unable to move ahead with the legislation that Senator BAUCUS and I had been developing. Unfortunately, for a variety of complex reasons, we are now here with a much more limited package. This is a disappointment for many of us. So the purpose of moving forward with a 6-month package now is to provide the opportunity for the Finance Committee to address these priorities next year.

One of my first priorities has been to ensure access to rural hospital services. Since hospitals are often not only the sole provider of health care in rural areas, but also significant employers and purchasers in the community, it is especially important that they are able to keep their doors open. One group of hospitals that I am especially concerned about are ''tweener'' hospitals, which are too large to be critical access hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. The struggles these facilities face in Iowa are real and serious. I am very disappointed we were not able to help these hospitals in this package. I look forward to working with Senator BAUCUS and other Members to include ''tweener'' hospital improvements in next year's package.

Second, we must address the problem of specialty hospitals. I have been an outspoken advocate against these facilities for several years now. My primary concern with these facilities is the inherent conflict of interest that exists when physicians have an ownership interest in the facilities to which they refer patients. The best interest of the patient should always be the deciding factor when a referral for treatment is made, not the financial self-interest of the doctor who is treating the patient. I strongly support a competitive marketplace and free market forces, but not at the expense of decreasing access to health care for the poor and uninsured or decreasing the quality of care for and safety of patients. I have been and remain concerned about the ability of community hospitals to provide care to all patients. I also look forward to working with Senator BAUCUS on addressing this issue in our package next year.

There are a number of other important issues that need to be addressed as well. We need to take on the reforms of the Medicare Quality Improvement Organization Program, we need to inject some sunshine into the payments that drug companies make to doctors, and we also need to make sure that Medicare is part of the solution when it comes to greater use of electronic prescribing and electronic health records.

In the meantime, we have this package with the following provisions that extend a number of Medicare, Medicaid and SCHIP provisions.

This legislation prevents the 10.1 percent cut to physician payment that would have occurred as of January 1, 2008, and instead gives a 6-month 0.5 percent update for physicians through June 30, 2008. In effect, this provides a 10.5 percent increase in physician fees from what they would otherwise have received beginning in January under current law. While this is not what many of us had in mind when we began this process, providing an update through next June will allow more time and the opportunity for a bill to fully go through the legislative process beginning with a committee markup next year.

This legislation also continues to provide additional payment incentives for physicians and other health care practitioners who report quality measures in the Physician Quality Reporting System. We must ensure that health care providers can afford to continue to practice medicine. We must also ensure that beneficiaries have access to physicians and other health care providers. And we must provide incentives for quality improvement.

We also accommodate physicians ordered to active duty in the Armed Services by extending for 6-months a provision that permits them to engage in substitute billing arrangements for longer than the 60 days allowed under current law when they are ordered to active duty.

Our legislation also revises the Physician Assistance and Quality Initiative Fund, which is intended to help stabilize physician payments and promote physician quality initiatives.

This new fund will be available in 2008 to help minimize fluctuations in physician payments and promote physician quality initiatives.

The physician payment changes will be offset, in part, by an adjustment to the Medicare Advantage stabilization fund. Our legislation does not repeal the stabilization fund but rather preserves the fund for future years. We use the $1.5 billion available in 2012, while preserving the fund in 2013. Given the continued strong participation by plans in the program right now, the legislation preserves the fund so that Congress can add more funds in future years if they are needed.

The legislation extends Medicare private plan cost contracts through 2009, which, without this legislation, are due to expire at the end of 2008. These are longstanding plans that provide health care to Medicare beneficiaries in many communities but have been unable to convert to Medicare Advantage plans. In addition, the legislation includes a 1-year extension to Medicare Advantage special needs plans through 2009. At the same time, the legislation puts a moratorium on new special needs plans. When Congress enacted the Medicare Modernization Act in 2003, it created a category of plans intended to provide specialized care models for certain populations, including Medicare beneficiaries who are also eligible for Medicaid, those who are chronically and severely ill or disabled, and those who are institutionalized (for example, in nursing homes). While these plans have proliferated, it is unclear how well they are meeting their mission of specialized care. The legislation freezes the program at the plans currently approved so that Congress and CMS can monitor the plans' performance and determine if any changes are needed.

In addition to reforming the manner in which Medicare pays for physician services, this legislation will extend several expiring provisions enacted in the Medicare Modernization Act to help ensure that beneficiaries will continue to have access to needed medical services. This includes provisions applicable to rural payments to physicians, extending the 1.0 floor on the work geographic adjustment, continuing direct payments to independent laboratories for physician pathology services, and continuing Medicare reasonable cost payments for lab tests in small rural hospitals.

Our legislation also provides a 6-month extension of the therapy cap exceptions process that was included in the Tax Relief and Health Care Act last year to ensure that beneficiaries receive the physical, occupational, and speech language therapy services they need. It also extends the existing payment methodology for brachytherapy services and extends it to therapeutic radiopharmaceuticals through June 30, 2008.

As in previous legislation that Congress has passed, this legislation will continue to improve accountability in the Medicare Program. There are situations when Medicare is not the primary payer for a beneficiary's health care, but it is currently difficult to identify these situations. This legislation will improve the Secretary's ability to identify beneficiaries for whom Medicare is the secondary payer by requiring group health plans and liability insurers to submit data to the Secretary.

The legislation will ensure beneficiary access to long-term care hospitals. These facilities will receive regulatory relief for 3-years. In order to ensure patients are receiving appropriate levels of care at long-term care hospitals, facility and medical review requirements will be established, and the Secretary will be required to conduct a study on long-term care hospital facility and patient criteria. Also, there will be a limited moratorium on the development of new long-term care facilities and a freeze to the annual long-term care hospital payment update for one quarter in rate year 2008.

The legislation will also ensure beneficiary access to inpatient rehabilitation facility services by addressing the 75-percent rule. This rule has been criticized as too blunt an instrument for ensuring that appropriate patients receive care at these facilities. Under current law, a percentage of Medicare patients must have at least 1 of 13 listed medical conditions in order to be classified as an inpatient rehabilitation facility. This percentage or compliance threshold is currently at 65 percent. This legislation would permanently freeze the compliance threshold at 60 percent and allow comorbid conditions to count permanently toward this threshold. The Secretary will be required to study beneficiary access to inpatient rehabilitation services and care at inpatient rehabilitation facilities and to make recommendations for alternatives to the 75-percent rule. In addition, there will be a freeze to the annual inpatient rehabilitation facility payment update from April 1, 2008 through fiscal year 2009.

This legislation will also continue to promote more accurate hospital payments. One aspect of Medicare hospital payments that has been subject to much criticism is the area wage index. Many say that the current method of calculating the wage index does not reflect a hospital's actual labor costs and is instead arbitrary in nature so that similarly situated hospitals can receive significantly different wage index values. Since the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, hospitals have been able to obtain relief from this unfair situation temporarily.

The legislation also provides more accurate payment for Part B drugs. It implements recommendations of HHS Office of Inspector General and requires CMS to adjust its average sales price, ASP, calculation to use volume-weighted ASPs based on actual sales volume. It also establishes appropriate reimbursement rates for generic albuterol and for glycated hemoglobin diabetes laboratory tests.

In the Medicaid arena, the legislation extends the provision of disproportionate share hospital payments to Tennessee and Hawaii for the first three-quarters of the current fiscal year. These payments were authorized for these States for the first time in last year's Tax Relief and Health Care Act and this is an extension of that policy.

The legislation also delays implementation of recently released regulations on school-based services and rehabilitation services in Medicaid so that the Finance Committee can appropriately review those regulations.

And finally, the legislation also includes an extension of the State Children's Health Insurance Program, SCHIP, through March 31, 2009. This provision makes additional funding available so that States do not have to scale back SCHIP. This SCHIP extension will ensure that no State has to cut back their program due to insufficient Federal funding.

I remain hopeful that when the 110th Congress reconvenes next year, there will be a renewed effort to reauthorize and improve SCHIP.

The bill we considered today addressed the things Congress needed to do before going home for the holidays. I am pleased we were able to act quickly and unanimously to pass the bill. I know many of my colleagues wanted to do more. I know some of my colleagues are disappointed because their individual priorities could not be included. It is unfortunate. I do hope we can do more when we come back next year.

Next year is an election year. The caucuses in my home state of Iowa are but days away. We have important business to conclude in Medicare and Medicaid and SCHIP. We have a Democratic Congress that has to work with a slim majority in the Senate and a Republican President. At times this year, I am not sure my colleagues on the other side of the aisle fully grasped the consequences of that reality. It certainly shows when you consider what we could have done this year and what was ultimately accomplished. I sincerely hope we do a better job of being bipartisan albeit in a political year.

Let me be clear that I stand ready to roll up my sleeves and get back to work come January. I am committed to moving ahead with the broader Medicare package when we return here next year. To make law, that package

will have to be one that the President will sign. It will require bipartisan cooperation and hard work. I am ready to get the job done. There are many problems that need to be addressed, and we can address the myriad issues that we left on the table. We can review and act on the proposed Medicaid regulations that have so many people vexed. We can pass a SCHIP reauthorization that can become law. We have learned the pathway to failure this year. I stand ready to join any of my colleagues who want to join me on the path not taken in 2007 to a more productive 2008.

As we move to the end of the first session of the 110th Congress, I want to extend my grateful appreciation to my health staff and others for the work they have done in 2007. My staff director on the Finance Committee, Kolan Davis, has been with me for many, many years and provides me invaluable counsel. My chief health policy counsel, Mark Hayes, accomplishes more every day than any other hundred people on the Hill combined and for his tireless work ethic, I am truly thankful. My Medicare Part A counsel, Mike Park, labored through the last several weeks though he was sick as a dog because it is that important. My Medicare Part B counsel, Sue Walden, ably deciphered the multiple variations we considered for providing an update to the physicians. The newest member of my team, Kristin Bass, who handles Medicare Parts C and D, helped us reach thoughtful compromises on numerous challenging issues. My Medicaid staffer, Rodney Whitlock, deftly handles the most controversial of issues day in and day out. I particularly want to pay tribute to my SCHIP staffer, Becky Shipp. We may have not accomplished what we hoped to do with SCHIP this year, but we wouldn't have been remotely close without Becky's expertise and effort. My team benefits from the able assistance of Sean McGuire and Shaun Freiman going above and beyond the call of duty to make sure the little things get done. I also want to thank Senator MCCONNELL's point person on health care, Meg Hauck, for working with us throughout the year. The Finance Committee benefits from that strong working relationship.

We work as hard as we possibly can to achieve bipartisan consensus in the Finance Committee and so I also want to pay tribute to Senator BAUCUS' staff: staff director Russ Sullivan, Michelle Easton, Neleen Eisinger, Billy Wynne, Shawn Bishop, David Schwartz, and Catherine Dratz.

We benefit greatly from the Congressional support staff as well. Tom Bradley, Tim Gronniger, Shinobu Suzuki, Jeanne De Sa, Eric Rollins and all of the hard-working scoring gurus at CBO. Jim Fransen, John Goetcheus, Kelly Malone, and Ruth Ernst at Senate Legislative Counsel. Jennifer O'Sullivan, Rich Rimkunas, Chris Peterson, April Grady, Elicia Herz, Sybil Tyson, Mark Hamelburg, Erin Taylor and all the folks at CRS. Mark Miller and all of his staff at MedPAC. They make us look a lot more intelligent and effective than we actually are some days.

Finally, I want to thank some folks at CMS. Liz Hall, Erin Clapton, Ira Burney, Richard Strauss are people who help make sure we get things right even when we aren't in complete agreement.

In closing, I want to thank all those folks for their hard work in 2007 in service to the people of Iowa, Montana, and all of America. Thank you.

Mr. HATCH. Mr. President, I rise in support of this package and want to commend my colleagues on a job well done.

To be fair, it would have been my preference to do a broader bill and resolve the myriad of Medicare-, Medicaid- and CHIP-related issues we have been discussing for many months now. Given that this has proven impossible, my overriding concern is that we move ahead with flawed correction to the physician reimbursement formula, as this bill does.

Indeed, while most of us would have preferred to have a longer term physician fix, this bill is a reasonable compromise. Physicians will be able to practice medicine without having their Medicare reimbursement rates significantly reduced. And that means that Medicare beneficiaries will continue to have access to quality health care.

I also am pleased about other provisions in this legislation, particularly those related to policy on long-term care hospitals and inpatient rehabilitation facilities, IRFs. With regard to long-term care hospitals, Senator CONRAD and I introduced legislation, S. 1958, Medicare Long-Term Care Hospital Patient Safety and Improvement Act of 2007. I am proud that the long-term care hospital provisions in today's Medicare legislation are based on the legislative language from the Conrad-Hatch bill. The legislation before us provides regulatory relief to allow continued access to current long-term care hospital services; requires new facility and medical reviews to ensure that patients are receiving appropriate care; and authorizes a study by the Secretary of Health and Human Services, HHS, on long-term care hospitals and patient criteria. This legislative language reflects compromises that were made between the various trade groups for long-term care hospitals and finding policy solutions which generate savings for Medicare.

As a proud cosponsor of S. 543, Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007, I am also pleased that the Medicare bill eliminates the 75 percent rule implemented by the Centers for Medicare and Medicaid Services, CMS, for rehabilitation hospitals. Instead, this legislation permanently freezes the inpatient rehabilitation services compliance threshold at 60 percent and allows comorbid conditions to count toward this threshold. Finally, it requires the Secretary of HHS to study beneficiary access to inpatient rehabilitation services and care at IRFs and make recommendations on how to classify inpatient rehabilitation facility hospitals and units.

Additionally, the legislation before the Senate extends the State Children's Health Insurance Program, CHIP, through March 31, 2009. Let me make one point perfectly clear on this provision I—am not going to give up on reauthorizing the CHIP program for an additional 5 years. I am still committed to that goal and intend to work with my colleagues early next year. I will not rest until this program is reauthorized and all eligible, low-income children are covered by the CHIP program.

On balance, while this bill is not what any of us would have liked, it does address many of the immediate concerns of Medicare patients, their physician and other health care providers. I strongly support this bipartisan legislation and urge my colleagues to support this bill.

Mr. AKAKA. Mr. President, I support the Medicare, Medicaid, SCHIP Extension Act of 2007. I appreciate the hard work and leadership of Senators BAUCUS and GRASSLEY in putting together this important legislation that will improve Medicare reimbursements, extend the State Children's Health Insurance Program, and extend other important Medicare and Medicaid policies.

In addition, this legislation includes a provision that extends Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee for another 6 months. Medicaid DSH resources help support hospitals that care for significant numbers of Medicaid and uninsured patients.

Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. However, States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH States. Again, States without allotments were left out.

In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 will extend the DSH allotments for Hawaii and Tennessee for an additional 6 months.

This extension authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii's QUEST program.

I look forward to continuing to work with Senators ALEXANDER, CORKER, and INOUYE to permanently restore allotments for Hawaii and Tennessee. I thank the chairman and ranking member of the Finance Committee for all of their efforts on this legislation and for their support on this issue of great importance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2499) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2499

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the ''Medicare, Medicaid, and SCHIP Extension Act of 2007''.

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

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Sec. 101. Increase in physician payment update; extension of the physician quality reporting system.
Sec. 102. Extension of Medicare incentive payment program for physician scarcity areas.
Sec. 103. Extension of floor on work geographic adjustment under the Medicare physician fee schedule.
Sec. 104. Extension of treatment of certain physician pathology services under Medicare.
Sec. 105. Extension of exceptions process for Medicare therapy caps.
Sec. 106. Extension of payment rule for brachytherapy; extension to therapeutic radiopharmaceuticals.
Sec. 107. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 108. Extension of authority of specialized Medicare Advantage plans for special needs individuals to restrict enrollment.
Sec. 109. Extension of deadline for application of limitation on extension or renewal of Medicare reasonable cost contract plans.
Sec. 110. Adjustment to the Medicare Advantage stabilization fund.
Sec. 111. Medicare secondary payor.
Sec. 112. Payment for part B drugs.
Sec. 113. Payment rate for certain diagnostic laboratory tests.
Sec. 114. Long-term care hospitals.
Sec. 115. Payment for inpatient rehabilitation facility (IRF) services.
Sec. 116. Extension of accommodation of physicians ordered to active duty in the Armed Services.
Sec. 117. Treatment of certain hospitals.
Sec. 118. Additional Funding for State Health Insurance Assistance Programs, Area Agencies on Aging, and Aging and Disability Resource Centers.

TITLE II—MEDICAID AND SCHIP

Sec. 201. Extending SCHIP funding through March 31, 2009.
Sec. 202. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 203. Extension of qualifying individual (QI) program.
Sec. 204. Medicaid DSH extension.
Sec. 205. Improving data collection.
Sec. 206. Moratorium on certain payment restrictions.

TITLE III—MISCELLANEOUS

Sec. 301. Medicare Payment Advisory Commission status.
Sec. 302. Special Diabetes Programs for Type I Diabetes and Indians.

TITLE I—MEDICARE

SEC. 101. INCREASE IN PHYSICIAN PAYMENT UPDATE; EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) INCREASE IN PHYSICIAN PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (4)(B), by striking ''and paragraphs (5) and (6)'' and inserting ''and the succeeding paragraphs of this subsection''; and

(B) by adding at the end the following new paragraph:

''(8) UPDATE FOR A PORTION OF 2008.—

''(A) IN GENERAL.—Subject to paragraph (7)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2008, for the period beginning on January 1, 2008, and ending on June 30, 2008, the update to the single conversion factor shall be 0.5 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR THE REMAINING PORTION OF 2008 AND 2009.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on July 1, 2008, and ending on December 31, 2008, and for 2009 and subsequent years as if subparagraph (A) had never applied.''.

(2) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

(A) REVISION.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) AMOUNT AVAILABLE.—

''(i) IN GENERAL.—Subject to clause (ii), there shall be available to the Fund the following amounts:

''(I) For expenditures during 2008, an amount equal to $150,500,000.

''(II) For expenditures during 2009, an amount equal to $24,500,000.

''(III) For expenditures during 2013, an amount equal to $4,960,000,000.

''(ii) LIMITATIONS ON EXPENDITURES.—

''(I) 2008.—The amount available for expenditures during 2008 shall be reduced as provided by subparagraph (A) of section 225(c)(1) and section 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

''(II) 2009.—The amount available for expenditures during 2009 shall be reduced as provided by subparagraph (B) of such section 225(c)(1).

''(III) 2013.—The amount available for expenditures during 2013 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(ii) in subparagraph (B), by striking ''entire amount specified in the first sentence of subparagraph (A)'' and all that follows and inserting the following: ''entire amount available for expenditures, after application of subparagraph (A)(ii), during—

''(i) 2008 for payment with respect to physicians' services furnished during 2008;

''(ii) 2009 for payment with respect to physicians' services furnished during 2009; and

''(iii) 2013 for payment with respect to physicians' services furnished during 2013.''.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act.

(ii) SPECIAL RULE FOR COORDINATION WITH CONSOLIDATED APPROPRIATIONS ACT, 2008.—If the date of the enactment of the Consolidated Appropriations Act, 2008, occurs on or after the date described in clause (i), the amendments made by subparagraph (A) shall be deemed to be made on the day after the effective date of sections 225(c)(1) and 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

(C) TRANSFER OF FUNDS TO PART B TRUST FUND.—Amounts that would have been available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) for payment with respect to physicians' services furnished prior to January 1, 2013, but for the amendments made by subparagraph (A), shall be deposited into, and made available for expenditures from, the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(b) EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.—

(1) SYSTEM.—Section 1848(k)(2)(B) of the Social Security Act (42 U.S.C. 1395w–4(k)(2)(B)) is amended—

(A) in the heading, by inserting ''AND 2009'' after ''2008'';

(B) in clause (i), by inserting ''and 2009'' after ''2008''; and

(C) in each of clauses (ii) and (iii)—

(i) by striking '', 2007'' and inserting ''of each of 2007 and 2008''; and

(ii) by inserting ''or 2009, as applicable'' after ''2008''.

(2) REPORTING.—Section 101(c) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note) is amended—

(A) in the heading, by inserting ''AND 2008'' after ''2007'';

(B) in paragraph (5), by adding at the end the following:

''(F) EXTENSION.—For 2008 and 2009, paragraph (3) shall not apply, and the Secretary shall establish alternative criteria for satisfactorily reporting under paragraph (2) and alternative reporting periods under paragraph (6)(C) for reporting groups of measures under paragraph (2)(B) of section 1848(k) of the Social Security Act (42 U.S.C. 1395w–4(k)) and for reporting using the method specified in paragraph (4) of such section.''; and

(C) in paragraph (6), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) REPORTING PERIOD.—The term 'reporting period' means—

''(i) for 2007, the period beginning on July 1, 2007, and ending on December 31, 2007; and

''(ii) for 2008, all of 2008.''.

(c) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by subsections (a) and (b), in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $25,000,000 for the period of fiscal years 2008 and 2009.

SEC. 102. EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.

Section 1833(u) of the Social Security Act (42 U.S.C. 1395l(u)) is amended—

(1) in paragraph (1), by striking ''before January 1, 2008'' and inserting ''before July 1, 2008''; and

(2) in paragraph (4)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) SPECIAL RULE.—With respect to physicians' services furnished on or after January 1, 2008, and before July 1, 2008, for purposes of this subsection, the Secretary shall use the primary care scarcity counties and the specialty care scarcity counties (as identified under the preceding provisions of this paragraph) that the Secretary was using under this subsection with respect to physicians' services furnished on December 31, 2007.''.

SEC. 103. EXTENSION OF FLOOR ON WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 102 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''before January 1, 2008'' and inserting ''before July 1, 2008''.

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note) and section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), is amended by striking ''and 2007'' and inserting ''2007, and the first 6 months of 2008''.

SEC. 105. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2007'' and inserting ''June 30, 2008''.

SEC. 106. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY; EXTENSION TO THERAPEUTIC RADIOPHARMACEUTICALS.

(a) EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a) of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''January 1, 2008'' and inserting ''July 1, 2008''.

(b) PAYMENT FOR THERAPEUTIC RADIOPHARMACEUTICALS.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by subsection (a), is amended—

(1) in the heading, by inserting ''AND THERAPEUTIC RADIOPHARMACEUTICALS'' before ''AT CHARGES'';

(2) in the first sentence—

(A) by inserting ''and for therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2008,'' after ''July 1, 2008,'';

(B) by inserting ''or therapeutic radiopharmaceutical'' after ''the device''; and

(C) by inserting ''or therapeutic radiopharmaceutical'' after ''each device''; and

(3) in the second sentence, by inserting ''or therapeutic radiopharmaceuticals'' after ''such devices''.

SEC. 107. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), is amended by striking ''the 3-year period beginning on July 1, 2004'' and inserting ''the period beginning on July 1, 2004, and ending on June 30, 2008''.

SEC. 108. EXTENSION OF AUTHORITY OF SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS TO RESTRICT ENROLLMENT.

(a) EXTENSION OF AUTHORITY TO RESTRICT ENROLLMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended by striking ''2009'' and inserting ''2010''.

(b) MORATORIUM.—

(1) AUTHORITY TO DESIGNATE OTHER PLANS AS SPECIALIZED MA PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not exercise the authority provided under section 231(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–21 note) to designate other plans as specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act. The preceding sentence shall not apply to plans designated as specialized MA plans for special needs individuals under such authority prior to January 1, 2008.

(2) ENROLLMENT IN NEW PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not permit enrollment of any individual residing in an area in a specialized Medicare Advantage plan for special needs individuals under part C of title XVIII of the Social Security Act to take effect unless that specialized Medicare Advantage plan for special needs individuals was available for enrollment for individuals residing in that area on January 1, 2008.

SEC. 109. EXTENSION OF DEADLINE FOR APPLICATION OF LIMITATION ON EXTENSION OR RENEWAL OF MEDICARE REASONABLE COST CONTRACT PLANS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)), in the matter preceding subclause (I), is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

SEC. 110. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by section 3 of Public Law 110–48, is amended by striking ''the Fund'' and all that follows and inserting ''the Fund during 2013, $1,790,000,000.''

SEC. 111. MEDICARE SECONDARY PAYOR.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraphs:

''(7) REQUIRED SUBMISSION OF INFORMATION BY GROUP HEALTH PLANS.—

''(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 1 year after the date of the enactment of this paragraph, an entity serving as an insurer or third party administrator for a group health plan, as defined in paragraph (1)(A)(v), and, in the case of a group health plan that is self-insured and self-administered, a plan administrator or fiduciary, shall—

''(i) secure from the plan sponsor and plan participants such information as the Secretary shall specify for the purpose of identifying situations where the group health plan is or has been a primary plan to the program under this title; and

''(ii) submit such information to the Secretary in a form and manner (including frequency) specified by the Secretary.

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—An entity, a plan administrator, or a fiduciary described in subparagraph (A) that fails to comply with the requirements under such subparagraph shall be subject to a civil money penalty of $1,000 for each day of noncompliance for each individual for which the information under such subparagraph should have been submitted. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

''(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund under section 1817.

''(C) SHARING OF INFORMATION.—Notwithstanding any other provision of law, under terms and conditions established by the Secretary, the Secretary—

''(i) shall share information on entitlement under Part A and enrollment under Part B under this title with entities, plan administrators, and fiduciaries described in subparagraph (A);

''(ii) may share the entitlement and enrollment information described in clause (i) with entities and persons not described in such clause; and

''(iii) may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

''(D) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.

''(8) REQUIRED SUBMISSION OF INFORMATION BY OR ON BEHALF OF LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS' COMPENSATION LAWS AND PLANS.—

''(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 18 months after the date of the enactment of this paragraph, an applicable plan shall—

''(i) determine whether a claimant (including an individual whose claim is unresolved) is entitled to benefits under the program under this title on any basis; and

''(ii) if the claimant is determined to be so entitled, submit the information described in subparagraph (B) with respect to the claimant to the Secretary in a form and manner (including frequency) specified by the Secretary.

''(B) REQUIRED INFORMATION.—The information described in this subparagraph is—

''(i) the identity of the claimant for which the determination under subparagraph (A) was made; and

''(ii) such other information as the Secretary shall specify in order to enable the Secretary to make an appropriate determination concerning coordination of benefits, including any applicable recovery claim.

''(C) TIMING.—Information shall be submitted under subparagraph (A)(ii) within a time specified by the Secretary after the claim is resolved through a settlement, judgment, award, or other payment (regardless of whether or not there is a determination or admission of liability).

''(D) CLAIMANT.—For purposes of subparagraph (A), the term 'claimant' includes—

''(i) an individual filing a claim directly against the applicable plan; and

''(ii) an individual filing a claim against an individual or entity insured or covered by the applicable plan.

''(E) ENFORCEMENT.—

''(i) IN GENERAL.—An applicable plan that fails to comply with the requirements under subparagraph (A) with respect to any claimant shall be subject to a civil money penalty of $1,000 for each day of noncompliance with respect to each claimant. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

''(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund.

''(F) APPLICABLE PLAN.—In this paragraph, the term 'applicable plan' means the following laws, plans, or other arrangements, including the fiduciary or administrator for such law, plan, or arrangement:

''(i) Liability insurance (including self-insurance).

''(ii) No fault insurance.

''(iii) Workers' compensation laws or plans.

''(G) SHARING OF INFORMATION.—The Secretary may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

''(H) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit the authority of the Secretary of Health and Human Services to collect information to carry out Medicare secondary payer provisions under title XVIII of the Social Security Act, including under parts C and D of such title.

(c) IMPLEMENTATION.—For purposes of implementing paragraphs (7) and (8) of section 1862(b) of the Social Security Act, as added by subsection (a), to ensure appropriate payments under title XVIII of such Act, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportions as the Secretary determines appropriate, of $35,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008, 2009, and 2010.

SEC. 112. PAYMENT FOR PART B DRUGS.

(a) APPLICATION OF ALTERNATIVE VOLUME WEIGHTING IN COMPUTATION OF ASP.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)) is amended—

(1) in paragraph (1)(A), by inserting ''for a multiple source drug furnished before April 1, 2008, or 106 percent of the amount determined under paragraph (6) for a multiple source drug furnished on or after April 1, 2008'' after ''paragraph (3)'';

(2) in each of subparagraphs (A) and (B) of paragraph (4), by inserting ''for single source drugs and biologicals furnished before April 1, 2008, and using the methodology applied under paragraph (6) for single source drugs and biologicals furnished on or after April 1, 2008,'' after ''paragraph (3)''; and

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

''(6) USE OF VOLUME-WEIGHTED AVERAGE SALES PRICES IN CALCULATION OF AVERAGE SALES PRICE.—

''(A) IN GENERAL.—For all drug products included within the same multiple source drug billing and payment code, the amount specified in this paragraph is the volume-weighted average of the average sales prices reported under section 1927(b)(3)(A)(iii) determined by—

''(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

''(I) the manufacturer's average sales price (as defined in subsection (c)), determined by the Secretary without dividing such price by the total number of billing units for the National Drug Code for the billing and payment code; and

''(II) the total number of units specified under paragraph (2) sold; and

''(ii) dividing the sum determined under clause (i) by the sum of the products (for each National Drug Code assigned to such drug products) of—

''(I) the total number of units specified under paragraph (2) sold; and

''(II) the total number of billing units for the National Drug Code for the billing and payment code.

''(B) BILLING UNIT DEFINED.—For purposes of this subsection, the term 'billing unit' means the identifiable quantity associated with a billing and payment code, as established by the Secretary.''.

(b) TREATMENT OF CERTAIN DRUGS.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)), as amended by subsection (a), is amended—

(1) in paragraph (1), by inserting ''paragraph (7) and'' after ''Subject to''; and

(2) by adding at the end the following new paragraph:

''(7) SPECIAL RULE.—Beginning with April 1, 2008, the payment amount for—

''(A) each single source drug or biological described in section 1842(o)(1)(G) that is treated as a multiple source drug because of the application of subsection (c)(6)(C)(ii) is the lower of—

''(i) the payment amount that would be determined for such drug or biological applying such subsection; or

''(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied; and

''(B) a multiple source drug described in section 1842(o)(1)(G) (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

''(i) the payment amount that would be determined for such drug or biological taking into account the application of such subsection; or

''(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied.''.

SEC. 113. PAYMENT RATE FOR CERTAIN DIAGNOSTIC LABORATORY TESTS.

Section 1833(h) of the Social Security Act (42 U.S.C. 1395l(h)) is amended by adding at the end the following new paragraph:

''(9) Notwithstanding any other provision in this part, in the case of any diagnostic laboratory test for HbA1c that is labeled by the Food and Drug Administration for home use and is furnished on or after April 1, 2008, the payment rate for such test shall be the payment rate established under this part for a glycated hemoglobin test (identified as of October 1, 2007, by HCPCS code 83036 (and any succeeding codes)).''.

SEC. 114. LONG-TERM CARE HOSPITALS.

(a) DEFINITION OF LONG-TERM CARE HOSPITAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Long-Term Care Hospital

''(ccc) The term 'long-term care hospital' means a hospital which—

''(1) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

''(2) has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days, or meets the requirements of clause (II) of section 1886(d)(1)(B)(iv);

''(3) satisfies the requirements of subsection (e); and

''(4) meets the following facility criteria:

''(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness of admission to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such continued stay criteria;

''(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's side within a moderate period of time, as determined by the Secretary; and

''(C) the institution has interdisciplinary team treatment for patients, requiring interdisciplinary teams of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient.''.

(b) STUDY AND REPORT ON LONG-TERM CARE HOSPITAL FACILITY AND PATIENT CRITERIA.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the establishment of national long-term care hospital facility and patient criteria for purposes of determining medical necessity, appropriateness of admission, and continued stay at, and discharge from, long-term care hospitals.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions, including timelines for implementation of patient criteria or other actions, as the Secretary determines appropriate.

(3) CONSIDERATIONS.—In conducting the study and preparing the report under this subsection, the Secretary shall consider—

(A) recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and appropriate to receive long-term care hospital services; and

(B) ongoing work by the Secretary to evaluate and determine the feasibility of such recommendations.

(c) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES.—

(1) NO APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREESTANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, for cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period—

(A) section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to freestanding long-term care hospitals; and

(B) such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

(2) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is located in a rural area or which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraph (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATELLITE FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in paragraph (c)(3) of such section) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term ''applicable long-term care hospital or satellite facility'' means a hospital or satellite facility that is subject to the transition rules under section 412.534(g) of title 42, Code of Federal Regulations.

(C) EFFECTIVE DATE.—Subparagraphs (A) and (B) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period.

(3) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, for the 3-year period beginning on the date of the enactment of this Act, the amendments finalized on May 11, 2007 (72 Federal Register 26904, 26992) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.529(c)(3)(i) of title 42, Code of Federal Regulations, or any similar provision.

(4) NO APPLICATION OF ONE-TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not, for the 3-year period beginning on the date of the enactment of this Act, make the one-time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(d) MORATORIUM ON THE ESTABLISHMENT OF LONG-TERM CARE HOSPITALS, LONG-TERM CARE SATELLITE FACILITIES AND ON THE INCREASE OF LONG-TERM CARE HOSPITAL BEDS IN EXISTING LONG-TERM CARE HOSPITALS OR SATELLITE FACILITIES.—

(1) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall impose a moratorium for purposes of the Medicare program under title XVIII of the Social Security Act—

(A) subject to paragraph (2), on the establishment and classification of a long-term care hospital or satellite facility, other than an existing long-term care hospital or facility; and

(B) subject to paragraph (3), on an increase of long-term care hospital beds in existing long-term care hospitals or satellite facilities.

(2) EXCEPTION FOR CERTAIN LONG-TERM CARE HOSPITALS.—The moratorium under paragraph (1)(A) shall not apply to a long-term care hospital that as of the date of the enactment of this Act—

(A) began its qualifying period for payment as a long-term care hospital under section 412.23(e) of title 42, Code of Federal Regulations, on or before the date of the enactment of this Act;

(B) has a binding written agreement with an outside, unrelated party for the actual construction, renovation, lease, or demolition for a long-term care hospital, and has expended, before the date of the enactment of this Act, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000); or

(C) has obtained an approved certificate of need in a State where one is required on or before the date of the enactment of this Act.

(3) EXCEPTION FOR BED INCREASES DURING MORATORIUM.—

(A) IN GENERAL.—Subject to subparagraph (B), the moratorium under paragraph (1)(B) shall not apply to an increase in beds in an existing hospital or satellite facility if the hospital or facility—

(i) is located in a State where there is only one other long-term care hospital; and

(ii) requests an increase in beds following the closure or the decrease in the number of beds of another long-term care hospital in the State.

(B) NO EFFECT ON CERTAIN LIMITATION.—The exception under subparagraph (A) shall not effect the limitation on increasing beds under sections 412.22(h)(3) and 412.22(f) of title 42, Code of Federal Regulations.

(4) EXISTING HOSPITAL OR SATELLITE FACILITY DEFINED.—For purposes of this subsection, the term ''existing'' means, with respect to a hospital or satellite facility, a hospital or satellite facility that received payment under the provisions of subpart O of part 412 of title 42, Code of Federal Regulations, as of the date of the enactment of this Act.

(5) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 of the Social Security Act (42 U.S.C. 1395ff), section 1878 of such Act (42 U.S.C. 1395oo), or otherwise, of the application of this subsection by the Secretary.

(e) LONG-TERM CARE HOSPITAL PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

''(m) PROSPECTIVE PAYMENT FOR LONG-TERM CARE HOSPITALS.—

''(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

''(2) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharges for the hospital shall be the same as the base rate for discharges for the hospital occurring during the rate year ending in 2007.''.

(2) DELAYED EFFECTIVE DATE.—Subsection (m)(2) of section 1886 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before April 1, 2008.

(f) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or medicare administrative contractors under section 1874A(a)(4)(G) of the Social Security Act (42 U.S.C. 1395kk–1(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals (described in section 1886(d)(1)(B)(iv) of such Act) and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act consistent with this subsection. Such reviews shall be made for discharges occurring on or after October 1, 2007.

(2) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (1) shall be conducted on an annual basis in accordance with rules specified by the Secretary. Such reviews shall—

(A) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(B) guarantee that at least 75 percent of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in long-term care hospitals will be identified and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(3) CONTINUATION OF REVIEWS.—Under contracts under this subsection, the Secretary shall establish an error rate with respect to such reviews that could require further review of the medical necessity of admissions and continued stay in the hospital involved and other actions as determined by the Secretary.

(4) TERMINATION OF REQUIRED REVIEWS.—

(A) IN GENERAL.—Subject to subparagraph (B), the previous provisions of this subsection shall cease to apply for discharges occurring on or after October 1, 2010.

(B) CONTINUATION.—As of the date specified in subparagraph (A), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling under this paragraph, recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays.

(5) FUNDING.—The costs to fiscal intermediaries or medicare administrative contractors conducting the medical necessity reviews under paragraph (1) shall be funded from the aggregate overpayments recouped by the Secretary of Health and Human Services from long-term care hospitals due to medically unnecessary admissions and continued stays. The Secretary may use an amount not in excess of 40 percent of the overpayments recouped under this paragraph to compensate the fiscal intermediaries or Medicare administrative contractors for the costs of services performed.

(g) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $35,000,000 for the period of fiscal years 2008 and 2009.

SEC. 115. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by adding at the end the following: ''The increase factor to be applied under this subparagraph for each of fiscal years 2008 and 2009 shall be 0 percent.''.

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before April 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109–171; 42 U.S.C. 1395ww note) is amended—

(A) in subsection (a), by striking ''apply the applicable percent specified in subsection (b)'' and inserting ''require a compliance rate that is no greater than the 60 percent compliance rate that became effective for cost reporting periods beginning on or after July 1, 2006,''; and

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

''(b) CONTINUED USE OF COMORBIDITIES.—For cost reporting periods beginning on or after July 1, 2007, the Secretary shall include patients with comorbidities as described in section 412.23(b)(2)(i) of title 42, Code of Federal Regulations (as in effect as of January 1, 2007), in the inpatient population that counts toward the percent specified in subsection (a).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall apply for cost reporting periods beginning on or after July 1, 2007.

(c) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and physiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation hospitals and units and skilled nursing facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(A) An analysis of Medicare beneficiaries' access to medically necessary rehabilitation services, including the potential effect of the 75 percent rule (as defined in paragraph (2)) on access to care.

(B) An analysis of alternatives or refinements to the 75 percent rule policy for determining criteria for inpatient rehabilitation hospital and unit designation under the Medicare program, including alternative criteria which would consider a patient's functional status, diagnosis, co-morbidities, and other relevant factors.

(C) An analysis of the conditions for which individuals are commonly admitted to inpatient rehabilitation hospitals that are not included as a condition described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

(2) 75 PERCENT RULE DEFINED.—For purposes of this subsection, the term ''75 percent rule'' means the requirement of section 412.23(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are in 1 or more of 13 listed treatment categories.

SEC. 116. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by Public Law 110–54 (121 Stat. 551) is amended by striking ''January 1, 2008'' and inserting ''July 1, 2008''.

SEC. 117. TREATMENT OF CERTAIN HOSPITALS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2008.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—The Secretary of Health and Human Services shall extend for discharges occurring through September 30, 2008, the special exception reclassifications made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i)) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49105, 49107).

(3) USE OF PARTICULAR WAGE INDEX.—For purposes of implementation of this subsection, the Secretary shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on October 10, 2007 (72 Fed. Reg. 57634), and any subsequent corrections.

(b) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

''(g) DISREGARDING HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—For purposes of the reclassification of a group of hospitals in a geographic area under section 1886(d) of the Social Security Act for purposes of discharges occurring during fiscal year 2008, a hospital reclassified under this section (including any such reclassification which is extended under section 106(a) of the Medicare Improvements and Extension Act of 2006) shall not be taken into account and shall not prevent the other hospitals in such area from continuing such a group for such purpose.''.

(c) CORRECTION OF APPLICATION OF WAGE INDEX DURING TAX RELIEF AND HEALTH CARE ACT EXTENSION.—In the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(1) a reclassification of its wage index for purposes of such section was extended for the period beginning on April 1, 2007, and ending on September 30, 2007, pursuant to subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note); and

(2) the wage index applicable for such hospital during such period was lower than the wage index applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007,

the Secretary shall apply the higher wage index that was applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007, for the entire fiscal year 2007. If the Secretary determines that the application of the preceding sentence to a hospital will result in a hospital being owed additional reimbursement, the Secretary shall make such payments within 90 days after the settlement of the applicable cost report.

SEC. 118. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS, AREA AGENCIES ON AGING, AND AGING AND DISABILITY RESOURCE CENTERS.

(a) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2008.

(b) AREA AGENCIES ON AGING AND AGING AND DISABILITY RESOURCE CENTERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants—

(A) to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); and

(B) to Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008 through 2009.

TITLE II—MEDICAID AND SCHIP

SEC. 201. EXTENDING SCHIP FUNDING THROUGH MARCH 31, 2009.

(a) THROUGH THE SECOND QUARTER OF FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)—

(i) by striking ''and'' at the end of paragraph (9);

(ii) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(11) for each of fiscal years 2008 and 2009, $5,000,000,000.''; and

(B) in subsection (c)(4)(B), by striking ''for fiscal year 2007'' and inserting ''for each of fiscal years 2007 through 2009''.

(2) AVAILABILITY OF EXTENDED FUNDING.—Funds made available from any allotment made from funds appropriated under subsection (a)(11) or (c)(4)(B) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2008 or 2009 shall not be available for child health assistance for items and services furnished after March 31, 2009, or, if earlier, the date of the enactment of an Act that provides funding for fiscal years 2008 and 2009, and for one or more subsequent fiscal years for the State Children's Health Insurance Program under title XXI of the Social Security Act.

(3) END OF FUNDING UNDER CONTINUING RESOLUTION.—Section 136(a)(2) of Public Law 110-92 is amended by striking ''after the termination date'' and all that follows and inserting ''after the date of the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007.''.

(4) CLARIFICATION OF APPLICATION OF FUNDING UNDER CONTINUING RESOLUTION.—Section 107 of Public Law 110–92 shall apply with respect to expenditures made pursuant to section 136(a)(1) of such Public Law.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES; RULES ON REDISTRIBUTION OF UNSPENT FISCAL YEAR 2005 ALLOTMENTS MADE PERMANENT.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by subsection (d) of section 136 of Public Law 110–92, is amended by striking ''or 2008'' and inserting ''2008, or 2009''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall be in effect through March 31, 2009.

(3) CERTAIN RULES MADE PERMANENT.—Subsection (e) of section 136 of Public Law 110–92 is repealed.

(c) ADDITIONAL ALLOTMENTS TO ELIMINATE REMAINING FUNDING SHORTFALLS THROUGH MARCH 31, 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsections:

''(j) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR FISCAL YEAR 2008.—

''(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $1,600,000,000 for fiscal year 2008.

''(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of November 30, 2007, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2008 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2006 and 2007 that will not be expended by the end of fiscal year 2007;

''(B) the amount, if any, that is to be redistributed to the State during fiscal year 2008 in accordance with subsection (i); and

''(C) the amount of the State's allotment for fiscal year 2008.

''(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2008, the Secretary shall allot—

''(A) to each shortfall State described in paragraph (2) not described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

''(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

''(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2008, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) ONE-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2008, subject to paragraph (5), shall only remain available for expenditure by the State through September 30, 2008. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).

''(k) REDISTRIBUTION OF UNUSED FISCAL YEAR 2006 ALLOTMENTS TO STATES WITH ESTIMATED FUNDING SHORTFALLS DURING THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

''(1) IN GENERAL.—Notwithstanding subsection (f) and subject to paragraphs (3) and (4), with respect to months beginning during the first 2 quarters of fiscal year 2009, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2006 under subsection (b) that are not expended by the end of fiscal year 2008, to a fiscal year 2009 shortfall State described in paragraph (2), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for such State for the month.

''(2) FISCAL YEAR 2009 SHORTFALL STATE DESCRIBED.—A fiscal year 2009 shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on a monthly basis using the most recent data available to the Secretary as of such month, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that was not expended by the end of fiscal year 2008; and

''(B) the amount of the State's allotment for fiscal year 2009.

''(3) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to fiscal year 2009 shortfall States described in paragraph (2) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are unexpended fiscal year 2006 allotments under subsection (b) available for such redistributions.

''(4) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) are less than the total amounts of the estimated shortfalls determined for the month under that paragraph, the amount computed under such paragraph for each fiscal year 2009 shortfall State for the month shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for the first 2 quarters of fiscal year 2009 shall only remain available for expenditure by the State through March 31, 2009, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f).

''(l) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

''(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $275,000,000 for the first 2 quarters of fiscal year 2009.

''(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that will not be expended by the end of fiscal year 2008;

''(B) the amount, if any, that is to be redistributed to the State during fiscal year 2009 in accordance with subsection (k); and

''(C) the amount of the State's allotment for fiscal year 2009.

''(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for the first 2 quarters of fiscal year 2009, the Secretary shall allot—

''(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

''(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of

the amounts determined for each shortfall State under subparagraph (A).

''(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2009, subject to paragraph (5), shall only remain available for expenditure by the State through March 31, 2009. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).''.

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244) and section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), is amended—

(1) by striking ''December 31, 2007'' and inserting ''June 30, 2008''; and

(2) by striking ''first quarter'' and inserting ''third quarter'' each place it appears.

SEC. 203. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2007'' and inserting ''June 2008''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

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

''(I) for the period that begins on January 1, 2008, and ends on June 30, 2008, the total allocation amount is $200,000,000.''.

SEC. 204. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the heading, by inserting ''AND PORTIONS OF FISCAL YEAR 2008'' after ''FISCAL YEAR 2007''; and

(2) in subparagraph (A)—

(A) in clause (i), by adding at the end (after and below subclause (II)) the following:

''Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be ¾ of the amount specified in the previous sentence for fiscal year 2007.'';

(B) in clause (ii)—

(i) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(ii) by inserting ''or period'' after ''such fiscal year''; and

(C) in clause (iv)—

(i) in the heading, by inserting ''AND FISCAL YEAR 2008'' after ''FISCAL YEAR 2007'';

(ii) in subclause (I)—

(I) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(II) by inserting ''or period'' after ''for such fiscal year''; and

(iii) in subclause (II)—

(I) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(II) by inserting ''or period'' after ''such fiscal year'' each place it appears; and

(3) in subparagraph (B)(i), by adding at the end the following: ''Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Hawaii for such portion of the fiscal year, notwithstanding the table set forth in paragraph (2), shall be $7,500,000.''.

SEC. 205. IMPROVING DATA COLLECTION.

Section 2109(b)(2) of the Social Security Act (42 U.S.C. 1397ii(b)(2)) is amended by inserting before the period at the end the following ''(except that only with respect to fiscal year 2008, there are appropriated $20,000,000 for the purpose of carrying out this subsection, to remain available until expended)''.

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to June 30, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services or school-based administration and school-based transportation if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

TITLE III—MISCELLANEOUS

SEC. 301. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b–6(a)) is amended by inserting ''as an agency of Congress'' after ''established''.

SEC. 302. SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking ''2008'' and inserting ''2009''.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking ''2008'' and inserting ''2009''.

CONSOLIDATED APPROPRIATIONS ACT, 2008—Continued

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Idaho now be recognized for 5 minutes and that at 5:20, it be deemed that all time be yielded back by all sides relative to the motion.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I note for those people listening, under this agreement, there should be a vote beginning about 5:20 p.m.

Mr. LEAHY. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Washington and all of us recognize that this may be the conclusion this evening of this session of Congress, and there may be a lot of issues out there that will be brought to a final vote. I think for all of us, as any session concludes, we have to look at the work product and say that is a job well done or a job not so well done. Frankly, for those of us on the Republican side who stayed together and fought the fight and exchanged our differences with those on the Democratic side, to bring a budget back into constraints that are at or near the President's proposal is without question a victory. Some of us will recognize that and honor that tonight as we conclude this first session of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed until the vote occurs, which is 2 minutes from now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to discuss the funding for the Low Income Home Energy Assistance Program. This program is absolutely vital to the people of my State. This winter we have seen record-high prices for home heating oil.

I want to thank the appropriators for including additional funding for the LIHEAP program as part of the omnibus spending bill, but, Mr. President, I was hoping we would proceed to consideration of the amendment offered by the Senator from Vermont, of which I am proud to be a cosponsor, which would have provided 800 million additional dollars for the LIHEAP program.

Mr. President, this is a real crisis. I consider the amount of money in this bill to be a significant step forward, but it is not adequate to meet the overwhelming needs for the constituents that live in cold weather States and are struggling and literally choosing between paying their bills, buying food, purchasing prescription drugs, and staying warm. That is a choice that no family in this country should have to make.

I am pleased with this downpayment on the LIHEAP program. It is a major step forward that is going to make a significant difference, but, frankly, it is simply not adequate to meet the overwhelming need.

Nationwide, over the last 4 years, the number of households receiving LIHEAP assistance increased by 26 percent from 4.6 million to about 5.8 million, but during this same period, Federal funding increased by only 10 percent. The result is that the average grant declined from $349 to $305. In addition, since August, crude oil prices quickly rose from around $60 barrel to nearly $100 per barrel, so a grant buys less fuel today than it would have just 4 months ago. According to the Maine Office of Energy Independence and Security, the average price of heating oil

in our State is $3.26 a gallon. That is a record in our State.

This large, rapid increase, combined with less LIHEAP funding available per family, imposes hardship on people who use home heating oil to heat their homes. Low-income families and senior citizen living on limited incomes in Maine and many other States face a crisis in staying warm this winter.

The Sanders amendment would have provided an additional $800 million as emergency funding for LIHEAP. The term ''emergency,'' could not be more accurate. Our Nation is in a heating emergency this winter. Families are being forced to choose among paying for food, housing, prescription drugs and heat. No family should be forced to suffer through a severe winter without adequate heat.

I understand we may consider this proposal again after the holidays. When we reconsider it, I urge all my colleagues to support the Sanders proposal to provide vital home energy assistance for the most vulnerable of our citizens.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the following cloture motion which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to H.R. 2764, State, Foreign Operations Appropriations, 2008.

Harry Reid, Jeff Bingaman, Barbara A. Mikulski, Byron L. Dorgan, Daniel K. Inouye, Patrick Leahy, Max Baucus, Mark Pryor, Debbie Stabenow, Kent Conrad, Patty Murray, Bill Nelson, Jack Reed, Ken Salazar, Blanche L. Lincoln, Tom Carper, Herb Kohl, Ben Nelson, Dick Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 436 Leg.]

YEAS—44

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Dorgan	Lincoln	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden
Hagel	Murray	

NAYS—51

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McCaskill
Bayh	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hatch	Snowe
Coburn	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. On this vote the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

AMENDMENT NO. 3874

(Purpose: To make emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008)

Mr. MCCONNELL. Mr. President, I move to concur in the House amendments with an amendment which I send to the desk on behalf of myself, Senators LIEBERMAN, INOUYE, STEVENS, COCHRAN, and WARNER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER moves to concur in the House amendment No. 2 to the Senate amendment to H.R. 2764, with an amendment numbered 3874.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. Mr. President, under the consent agreement, how much time do we have? I will use my leader time.

The PRESIDING OFFICER. The agreement contemplates a second-degree amendment, the Feingold amendment, where there will be 1 hour of debate equally divided on that amendment.

Mr. MCCONNELL. Mr. President, I will use leader time now.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, a lot has changed since last December. At this time last year, America and its allies were desperate for good news out of Iraq. The security situation was dire, and getting worse. An all-out civil war threatened to undermine the heroic work of U.S. forces and frustrate the hopes of millions of Iraqis.

Then General Petraeus stepped forward with a bold new plan. We confirmed General Petraeus unanimously for what seemed like one last effort at salvaging the mission. And we sent him the troops and the funds he needed to carry out the job.

Since the implementation of the Petraeus plan, the security situation in and around Baghdad has changed dramatically. Attacks on troops are down. Civilian casualties in Baghdad are down 75 percent. Iraqi refugees are streaming back over the borders. Outside the city, the local leaders are forging agreements among themselves and with U.S. forces to ensure even greater security.

There is simply no question that on the military and tactical levels the Petraeus plan has been a tremendous success. So as we stand here today, we have new hope that U.S. service men and women are beginning to return home with a sense of achievement. A lot has changed in Iraq, and here in Washington, we should take notice.

Before us is an amendment sent to us by the House of Representatives that underfunds our troops and only provides for those fighting in Afghanistan. It leaves the troops in Iraq to fend for themselves. That is unacceptable.

What is the difference between funding the troops in Afghanistan and funding the troops in Iraq? They are both our troops. Even those of us who have disagreed on the war have always agreed on at least one thing, and that is the troops in the field will not be left without the resources they need.

So the amendment I sent to the desk provides for our men and women in uniform in Iraq and Afghanistan because I believe it is our duty to protect all of those who are putting their lives on the line. It is also important to understand—I hope everybody in the Chamber and anybody listening gets this fundamental point: If this amendment does not pass, the McConnell-Lieberman amendment does not pass in its current form, the underlying bill will not become law. The passage of the McConnell-Lieberman proposal is essential to getting a Presidential signature on the Omnibus appropriations and Iraq funding.

The Petraeus plan provides for a gradual reduction of our forces and a

transition of the mission. Iraqi security forces will eventually shift from partnering with coalition forces to leading forces on their own. We must not impose an arbitrary timeline for withdrawal or accelerate this timeline at an unrealistic pace.

This is a moment of real hope for our Nation and for the people of Iraq. It is a moment of real urgency in the Senate. We need to pass the spending bill with troop funds without any strings and without further delay.

At the risk of being redundant, the President has made it absolutely clear that to get a Presidential signature, to wrap up this session, having succeeded in passing all of our appropriations bills, will require the passage of the McConnell-Lieberman amendment.

So when we get to that amendment—we will have a couple of votes before then, but when we get to that amendment, it is essential. We want to complete our work in a way that implements the appropriations process as all of us feel it should be implemented on a yearly basis. The success of the McConnell-Lieberman amendment is essential.

I yield the floor.

Mr. LEAHY. Mr. President, not counting leader time, what is the provision of time once Senator FEINGOLD has introduced his second-degree amendment?

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. LEAHY. Mr. President, I see the Senator from Wisconsin. I ask, of the half hour on this side, that 15 minutes be given to the distinguished Senator from Wisconsin, 10 minutes to the senior Senator from West Virginia, 5 minutes to the distinguished senior Senator from Massachusetts, and that the Senator from Vermont who is a cosponsor be allowed to submit a statement as though read for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3875 TO AMENDMENT NO. 3874

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. BROWN, proposes an amendment numbered 3875 to amendment No. 3874.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the safe redeployment of United States troops from Iraq)

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPT FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Mr. President, I rise to offer an amendment with the majority leader, Senator REID, and Senators LEAHY, DODD, BOXER, KENNEDY, KERRY, HARKIN, WHITEHOUSE, WYDEN, DURBIN, SCHUMER, OBAMA, SANDERS, MENENDEZ, LAUTENBERG, and BROWN to H.R. 2764, the fiscal year 2008 Omnibus appropriations bill.

The amendment is one I have offered before. I will not hesitate, if I must, to offer it again and again and again.

The 17 cosponsors is the greatest number we have ever had for this amendment.

It requires the President to begin safely redeploying U.S. troops from Iraq within 90 days of enactment, and requires redeployment be completed within 9 months. At that point, with the bulk of our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions: providing security for U.S. Government personnel and infrastructure, training the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaida and others affiliated with international terrorist organizations.

Some of my colleagues complain that we spent too much time debating Iraq this year. They would rather talk about other issues. Well, we have a lot of important priorities, but nothing is more important to me or my constituents than ending this disastrous war.

As I do every year, I held a town hall meeting in every county in Wisconsin this year. That is 72 meetings for those of you who are not from the Badger State. I heard a lot from my constituents at the meetings about health care and education. But the No. 1 issue I heard about was foreign affairs, particularly the war in Iraq.

But the No. 1 issue I heard about was foreign affairs, particularly the war in Iraq. Let me tell you—they weren't asking why Congress is spending so much time on this issue. They weren't asking us to give the President more time for his so-called surge. Like Americans all across the country, they want an end to this war, and they want to know what is stopping us.

The Senate needs to address the concerns and demands of our constituents, who more than a year ago voted for a change in congressional leadership in large measure because of the debacle in Iraq. But we have yet to follow through and end this misguided war, before more Americans are injured and killed. And we are about to adjourn for the year and let the war drag on even longer.

We hear a lot from supporters of the President that violence in Iraq is down right now, and therefore we are on the path to victory. That argument would be a lot more convincing if the administration had a viable strategy for success. The surge may buy time, but as long as there is no political solution to Iraq's problems, we are just postponing the inevitable resurgence in violence, and our brave troops will continue bearing the brunt of it.

That is not a strategy for success. It is not even a strategy. It is a way of pushing this problem off to the next President and the next Congress, while our troops put their lives on the line, and our constituents foot the bill. Or, I should say, our constituents' children and grandchildren foot the bill, because we can't even be bothered to figure out a way to pay for the war. We are just handing the tab to future generations, sticking them with hundreds of billions of dollars of more deficit spending.

I am certainly pleased that violence in Iraq has declined in the last few months. Once again, our troops have showed they excel in any challenge with which they are tasked. This doesn't change the fact, however, that this year was the bloodiest year for Americans since the war began, and there are still a few weeks to go in 2007.

Indeed, let us remember that nearly 4,000 Americans have died, and almost 30,000 have been wounded in a war that has no clear strategy and no end in sight. While the President is bringing home a token number of troops, over 160,000 remain as the war drags on into its fifth year. What are we supposed to tell them, and their families, to wait another year until a new administration and new Congress finally listen to the American people and bring this tragedy to a close?

Mr. President, Iraq appears to be no closer to legitimate political reconciliation at the national level than it was before the surge began. Equally worrisome is that, as part of the President's plan, we appear to be deepening our dependence upon former insurgents and militia-infiltrated security forces with questionable loyalties. Supporting the sheiks in al Anbar—and elsewhere—may help to reduce violence in the near term, but by supporting both sides of a civil war, we are risking greater violence down the road. Such tactics are likely to undermine the prospects for long-term stability, as they could lead to greater political fragmentation and ultimately jeopardize Iraq's territorial integrity. Again, without legitimate national reconciliation, violence may ebb and flow, but it won't end, and we will be no closer to a settlement, no matter how long we keep a significant military presence in Iraq. That is not the fault of our heroic men and women in uniform. It is the fault of the administration's disastrous policies.

There is another dirty secret behind the temporary drop in violence, and it relates to the segregation of Baghdad and the neighborhoods on its outskirts. With so many Iraqis fleeing their homes in search of greater safety and security, large-scale displacement has resulted in very different demographics. Previously mixed neighborhoods have ceased to exist, thereby curtailing one of the chief sources of sectarian violence. This ethnic cleansing is hardly evidence of a successful surge. And it sure isn't a hopeful sign for future peace and stability.

When it announced the surge, the administration said its goal was to keep a lid on violence to give time and space for reconciliation in Iraq. Now that we are no closer to reconciliation, the administration is trying, once again, to shift the goalposts. We don't hear as much about reconciliation now, and when we do, it sounds very different from the national reconciliation that was supposedly our goal—instead we hear about ''bottom-up'' reconciliation, whatever that means. All the administration can do is stall for time, just as it did in 2004, just as it did in 2005, and just as it did in 2006. The slogan may be different—''Mission Accomplished,'' ''Stay the Course,'' ''The New Way Forward'' and even ''Return on Success,'' but each time we are told we are on the right road, if we just keep walking a little longer. Until, that is, we reach another dead end, and a new slogan is invented to justify heading in a new, but equally futile direction.

As the administration blunders from one mistake to another, brave American troops are being injured and killed in Iraq; our military is being overstretched; countless billions of dollars are being spent; the American people are growing more and more frustrated and outraged; and our national security is being undermined.

Instead of focusing on Iraq, we should be focusing on our top national security priority—going after al-Qaida and its affiliates around the globe. This administration has sadly proven that we cannot do both.

Al-Qaida is waging a global campaign, from North Africa—where the Algerian Government has blamed an al-Qaida affiliate for two major bombings last week—to the border region between Afghanistan and Pakistan were, while we have been distracted by Iraq, al-Qaida has reconstituted and strengthened itself. There is a price to pay for our neglect, and this administration has failed to acknowledge it.

Because of its narrow focus on Iraq, the administration has been so distracted it has not adequately addressed the deteriorating security conditions in Afghanistan, where the resurgent Taliban—the same movement that harbored and supported the terrorist elements that attacked our country on 9/11—are gaining ground. Violence may be down in Iraq, but it is up significantly in Afghanistan. There were 77 suicide attacks in Afghanistan in just the first 6 months of 2007, which is about twice the number for the same period in 2006 and 26 times higher than from January to June 2005.

This worrisome escalation of suicide bombings is one of many signs that Afghanistan's already tenuous stability is even shakier. And while earlier this week the Pentagon confirmed that the U.S. military and its NATO partners are reviewing plans for Afghanistan, it is awfully late in the game to try to put that country on a solid path to stabilization and development. Nonetheless, we have to try because we still have an opportunity to finish the job we started 6 years ago in Afghanistan—eliminating the Taliban and destroying a safe haven for terrorist networks that seek to harm us. This opportunity is critical because until bin Laden and his reconstituted al-Qaida leadership are killed or captured, Afghanistan's future cannot be separated from our own national security.

Instead of seeing the big picture—instead of approaching Iraq in the context of a comprehensive and global campaign against a ruthless enemy—this administration persists with its tragic policy and its tragic mistakes. As the President digs in his heels, he is simultaneously deepening instability throughout the Middle East, undermining the international support and cooperation we need to defeat al-Qaida, providing al-Qaida and its allies with a rallying cry and recruiting tool, and increasing our vulnerability.

The President's promise to redeploy a few battalions, while leaving 160,000 troops in Iraq, is not nearly enough. That is why, once again, I am offering this amendment with Majority Leader REID. It is up to us here in Congress to reverse what continues to be an intractable policy. It is our job to listen to the American people, to save American lives, and to protect our Nation's security by redeploying our troops from Iraq, because the President will not.

I am not suggesting that we abandon the people of Iraq or that we ignore the political impasse there. We cannot ignore the ongoing humanitarian crisis that has unfolded within Iraq or the one that followed millions of Iraqis as they fled to Jordan and Syria. These issues require the attention and constructive engagement of U.S. policymakers, key regional players, and the international community. They require high-level, consistent, and multilateral engagement and cooperation. But Iraqi reconciliation cannot—and will not—be brought about by a massive American military engagement.

By enacting Feingold-Reid, we can finally bring our troops out of Iraq and focus on what should be our top national security priority—waging a global campaign against al-Qaida and its affiliates.

Some of my colleagues will oppose this amendment. That is their right. But I hope none of them will suggest that Feingold-Reid would hurt the troops by denying them equipment or support. There is no truth to that argument—none. Passing this legislation would result in our troops being safely redeployed within 9 months. At that point, with the troops safely out of Iraq, funding for the war would end, with the narrow exceptions I mentioned earlier. That is what Congress did in 1993, when it voted overwhelmingly to bring our military mission in Somalia to an end. That is what Congress must do again to terminate the President's unending mission in Iraq.

This amendment is almost identical to the version I offered with Senator REID and others to the Defense Department authorization bill. And once again, we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need ''to ensure, maintain, or improve their safety and security.'' I hope we won't be hearing any more spurious arguments about troops on the battlefield not getting the supplies they need.

This war is exhausting our country, overstretching our military, and tarnishing our credibility. Even with the recent decline in violence, the American people know the war is wrong, and they continue to call for its end. I urge my colleagues to vote yes on Feingold-Reid so we can finally heed their call to action.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia.

Mr. BYRD. Mr. President, I intend to support the amendment being offered by the Senator from Wisconsin. While I fully support the addition of the $31 billion in funding for the war in Afghanistan and for troop protection, I cannot support the President's demands that funding be given to him with no strings attached so that he may keep some 130,000 or more troops in Iraq for a sixth year. Risking the lives of more soldiers to try to win a

bad bet on Iraq represents a terrible injustice to our brave fighting men and women. Just a little more time, the President says, just a little more money, and the quagmire that is Iraq will be transformed.

The President has made clear that if he has his way, U.S. troops would still be in Iraq decades hence. What a statement by a U.S. President. What a deadly bankrupt legacy to leave. 2007 has already been the most deadly year in Iraq in terms of U.S. deaths since the invasion began, and the year is not yet over. The number of U.S. deaths has reached 3,890, and the number of wounded has surpassed 28,000. The Iraqi Government has not passed any of the legislative benchmarks that would indicate progress toward national reconciliation.

The economic rebuilding of Iraq continues to lag, financed by U.S. taxpayer dollars and marked by waste, fraud, and abuse. Oil production is sputtering and shortages of basics such as electricity and water continue unabated, despite the boondoggle that this war has been for private contractors. Evidence of ethnic cleansing is growing, as Sunnis are forced out of Shia areas and vice versa. The Iraqi Army and police forces remain riddled with sectarianism. U.S. forces continue to carry the bulk of the security burden, and while U.S. forces remain in Iraq, there is little incentive for the Iraqis to assume that duty.

Some have pointed to recent tactical successes and the reduction of violence in certain areas of Iraq as justification for continuing the occupation of Iraq. But the prowess of our troops was never in question. They have been given a job to do, and they do it with bravery and skill. The important question—the only true measure of our efforts in Iraq—is whether those tactical successes somehow add up to progress toward a lasting political solution. That progress has failed to materialize.

It is time for a change in Iraq. It is time to limit the U.S. military mission in Iraq and bring the bulk of our troops home. It is time to seriously engage our allies and the nations of the Middle East on Iraqi security issues. It is time to restore the reputation of the great United States of America by returning to the policies that made the United States an example to inspire the world, a beacon of economic prosperity, a showcase of humanitarian ideals, and benevolent assistance to people in their hour of need. It is time to shed our image as invaders and occupiers of other nations, using mercenary forces to expand our reach. It is time to unequivocally reject the notion that America condones torture. For most of my lifetime—and it has been a long one already—the world looked to the United States first when help was needed. Now, the world wonders which nation America will invade next. How far we have fallen.

The administration has used emergency proclamations and stop-loss orders to effect a back-door draft that keeps soldiers in the military, even though their terms of service have been completed. Meanwhile, the needs of our own Nation go wanting, as important equipment that could be used for domestic disasters is shipped off to Iraq, and our National Guardsmen, the first responders in emergencies, sit in the sands—the hot sands—of the Middle East.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment and, thus, reaffirm our resolve to alter our disastrous course in Iraq. To vote for this amendment is to vote for our troops and to begin a reasonable new policy for Iraq. To vote for this amendment is to begin to reassert the constitutional role of the Congress as the people's check on the Executive, using the most powerful tool there ever was and ever will be in the congressional arsenal—the power of the purse. To vote for this amendment is to show the American people we are listening to them.

Keeping our troops in harm's way in support of a misbegotten war and a failed strategy is not patriotism. We must not roll the dice again, recklessly risking American lives and American treasure. It is time—time—time—for a change.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to oppose the pending amendment by the Senator from Wisconsin, my friend. I strongly support the amendment that will be offered by the Republican leader that would deliver vital funding for our troops in Iraq.

The underlying House-passed bill is not only irresponsive to the facts on the ground in Iraq, it is simply irresponsible. It fails to provide any funding for our troops fighting in Iraq and actually contains an explicit prohibition against the use of funds for Operation Iraqi Freedom. The authors have compiled a bill of some 1,400 pages and an even larger joint explanatory statement chock-full of unnecessary spending, but they include not a dime for our troops in Iraq. They include not a dime for our troops in Iraq.

I would like our friends and colleagues and others to consider that the bill on the floor today contains $1.6 million for animal vaccines in Greenport, NY, but not a penny for our soldiers in Iraq; $477,000 for Barley Health Food Benefits but nothing for the troops in Iraq; $846,000 for the Father's Day Rally Committee of Philadelphia but not a dime for our sons and daughters who are fighting.

We are willing to spend $244,000 for bee research in Weslaco, TX, but not a dollar for our fighting men and women in Baghdad, Kirkuk, and Anbar. It is a sad day—it is a sad day, indeed—when in the middle of a war this country must win, the Congress provides more funds for bee research than for the brave Americans risking their lives on our behalf.

For Congress to fail to provide the funds needed by our soldiers in the field is inexcusable under any circumstances, but it is especially disappointing right now at the very moment when General David Petraeus and his troops are achieving the kind of progress in Iraq that many dismissed as impossible a few months ago, including suspending disbelief in order to believe the surge was working. One has to suspend disbelief to believe it is not.

The bill's proponents seek, I suppose, a precipitous withdrawal of U.S. combat forces from Iraq regardless of conditions on the ground or the views of our commanders in the field. If that sounds familiar, it should. It should sound familiar, my friends. The majority has thus far engaged in no less than 40 legislative attempts to achieve this misguided outcome.

The choice today is simple: Do we build upon the clear successes of our current strategy and give General Petraeus and the troops under his command the support they require to complete their mission or do we ignore the realities and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

In case my colleagues missed it, a couple nights ago, there was a piece on the evening news of one of the major networks that pointed out that for the first time in a long time there was 24 hours in Baghdad without a single incident of violence. How you can ignore these facts on the ground is something I do not—will not—comprehend.

I had the privilege, along with my colleagues, Senator LIEBERMAN of Connecticut and Senator GRAHAM of South Carolina, of spending Thanksgiving with our troops in Iraq. On that trip, I saw and heard firsthand about the remarkable transformation these brave men and women in uniform have brought about this year. After nearly 4 years of mismanaged war, our military, in cooperation with the Iraqi security forces, has made significant gains under the new American counterinsurgency strategy, the so-called surge. Overall violence in Iraq has fallen to its lowest level since the first year of the invasion. LTG Ray Odierno, the second in command in Iraq, said this week this improvement is due to the increase in American troops and better trained Iraqi forces—due to the increase in American troops and better trained Iraqi forces.

Now, you can believe LTG Ray Odierno or you can believe those on the other side of the aisle who want to bring to a halt the success we have achieved.

Improvised explosive device blasts, the foremost source of U.S. combat deaths, now occur at a rate lower than at any point since September 2004. This week, MG Joseph Fil, the commander for Baghdad, stated that attacks in Baghdad have fallen nearly 80 percent since November 2006, murders in Baghdad Province are down by some 90 percent over the same period, and vehicle-

borne bombs have dropped by 70 percent.

So as Ronald Reagan used to say: Facts are stubborn things. Facts are stubborn things. These are the facts—not rhetoric but facts.

Major General Fil added that, today, there is no longer any part of Baghdad under al-Qaida control, though the terrorist group is ''still lurking in the shadows.'' I agree. They are on the run, but they are not defeated. They are on the run, but they are not defeated.

Last week, the violence in Anbar Province was the lowest ever recorded. The British handed control of southern Basra to the Iraqi Government. And in Diyala, one of most dangerous regions in Iraq, al-Qaida militants tried to retake several villages around the town of Khalis, only to see U.S.-backed local volunteers drive the terrorists away. That is the success of a classic counterinsurgency strategy. Tens of thousands of volunteers have joined ''awakening councils'' that aim to combat al-Qaida, and al-Qaida's No. 2, Ayman al-Zawahiri, has begun warning of ''traitors'' among the insurgents in Iraq.

As a result of the hard-won gains our troops have secured, General Petraeus has been able to initiate a drawdown of U.S. forces, a drawdown tied not to an artificial timetable but based on security gains in-country. This drawdown, beginning with the removal without replacement of some 5,000 American troops, has commenced following a dramatic drop in American casualty rates and enhanced security throughout the country.

Al-Qaida's leadership knows which side is winning in Iraq. It may not be known in some parts of America and in this body, but al-Qaida knows. Al-Qaida knows who is winning in Iraq. Our soldiers know they have seized the momentum in this fight. Does the majority party understand we are succeeding under the new strategy? The proponents of this bill cannot continue forever to deny or disparage the reality of progress in Iraq or reject its connection to our new counterinsurgency strategy.

As General Odierno explained, with the new counterinsurgency operations, ''we have been able to eliminate key safe havens, liberate portions of the population and hamper the enemy's ability to conduct coordinated attacks.'' General Odierno went on to add: ''We have experienced a consistent and steady trend of increased security. . . . and I believe continued aggressive operations by both Iraqi and coalition forces are the most effective way to extend our gains and continue to protect the citizens of Iraq.'' Given these realities, some proponents of precipitous withdrawal from Iraq have shifted their focus. While conceding, finally, that there have been dramatic security gains, they have begun seizing on the lackluster performance of the Iraqi Government to insist that we should abandon the successful strategy and withdraw U.S. forces. This would be a terrible mistake. Of course, there is no question that Iraq's national leaders must do more to promote reconciliation and improve governance and that the reduction in violence has created a window for political and economic progress that Iraqi leaders must seize, but let's not close that window. The likelihood that they make this progress would be vastly decreased—not increased—by a precipitous U.S. withdrawal. Whatever the failings of the imperfect democracy in Baghdad, they do not justify—either in terms of national interests or simple morality—abandoning it to the al-Qaida terrorists and Iranian-backed militias trying to destroy it.

None of this is to argue that Iraq has become completely safe or that violence has come down to an acceptable level or that victory lies just around the corner. On the contrary, the road ahead remains as it always has been: long and hard. Violence is still at an unacceptable level in some parts of the country. Unemployment remains high in many areas. The Maliki government remains unwilling to function as it must. No one can guarantee success or be certain about its progress or its prospects. We can, however, be certain about the prospects for defeat if we fail to fund our troops.

Make no mistake; despite the progress I have outlined, there is no cause for complacency. Just as we have managed to turn failure into success in 2007, we can likewise turn success back into failure in 2008, if we are not careful. As Major General Fil recently put it, progress toward securing the city remains fragile and there is ''absolutely a risk of going too quickly'' in drawing down troops. ''An immediate pullout too quickly would be a real serious threat to the stability here in Baghdad,'' he said. Al-Qaida is off balance, but they will come back swinging at us if we give them the chance.

Imagine for a moment if 1 of those 40 attempts to force a withdrawal from Iraq had been successful earlier this year. Rather than hearing from our commanders and troops in the field about the enormous progress, the decline in violence, the Iraqis seeking to return home, the decrease in al-Qaida influence, we would hear instead a very different story—a darker one—with terrible implications for the people of Iraq, the wider Middle East, and the security of the United States of America.

Some of my colleagues would like to believe that should the bill we are currently considering become law, without funding our troops in Iraq, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back. If we leave, we will be back in Iraq and elsewhere in many more desperate fights to protect our security and at an even greater cost in American lives and treasure. Now is not the time for us to lose our resolve.

That is why the Senate must adopt the McConnell amendment. The funding contained in this amendment is not as some have characterized it: ''The President's money.'' It is money for the troops. It is money for the brave Americans who are in harm's way as we speak. This funding is to provide them with the equipment and proper training they require to fulfill their mission; funding to protect our men and women from roadside bombs and other attacks; funding to enable them to bring this war to a successful and honorable end. If the funding is not included, the President will very rightly veto this omnibus measure.

I say to my friends on the other side of the aisle that I understand the frustration many feel after nearly 4 years of mismanaged war. I share their frustration and sorrow. But we must remember to whom we owe our allegiance—not to short-term political gain but to the security of America, to those brave men and women who risk all to ensure it, and to the ideals upon which our Nation was founded. That responsibility is our dearest privilege, and to be judged by history to have discharged it honorably will in the end matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage, or office. Let us not sacrifice the remarkable gains our service men and women have made by engaging in a game of political brinkmanship. There is far, far too much at stake.

I urge my colleagues to support the McConnell amendment and to reject this amendment. I urge my colleagues to fund our troops and to support them so that when they do return to us, they return with the honor and success their valiant efforts have earned. They and the American people whom they are entrusted to protect deserve nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield myself 7 minutes under the Republican time. I am going to share my concerns about a provision included in the Interior division of the Omnibus appropriations bill. This provision was added on the House Floor and was unfortunately retained by the conference committee. The language of this provision will prohibit BLM from preparing or publishing final regulations for oil shale commercial leasing on public lands. This provision is opposed by the Department of the Interior. I have a letter stating their concerns from Secretary Dirk Kempthorne which I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, December 12, 2007.

Hon. WAYNE ALLARD,
Ranking Member, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: As the House and Senate consider the Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPAct) was enacted with broad bipartisan support. The EPAct included substantive and significant authorities for the development of alternative and emerging energy sources.

Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future as energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the final rule is anticipated in November 2008. The final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input and work closely with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period after the publication of the draft regulations in order to assure that all of the stakeholders have adequate time and opportunity to review and comment before publication of the final regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant capital investments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on private investment to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that private investors know what will be expected of them regarding the development of this resource. The regulations that Section 606 would disallow represent the critical ''rules of the road'' upon which private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish these regulations in a timely manner is likely to discourage continued private investment in these vital research and development efforts.

The Administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the administrative process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to provide input.

Identical letters are being sent to Congressman Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; Congressman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; and Senator Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

DIRK KEMPTHORNE.

Mr. ALLARD. In 2005, I worked closely with my colleagues in the House and in the Senate on provisions which were included in section 369 of the Energy Policy Act of 2005. These will help lead to commercialization after the research and demonstration projects currently underway have proven themselves. As those of us who have to run a business know, it is a bad practice to pour millions of dollars into research and development projects with no hint of assurance that these projects will lead to commercialization. Understanding the regulatory framework within which development must take place is important to companies making investment decisions. I believe, as I did in 2005, that it is critical to give companies investing tens of millions of dollars into these research projects a proverbial ''light at the end of the tunnel.''

The timeline included in this section of the Energy Policy Act for setting up a regulatory framework for oil shale development required the Department of the Interior to develop a programmatic environmental impact statement for oil shale by February of 2007 and to finalize oil shale regulations by August of 2007. Although these dates have slipped, many who are concerned with decreasing our country's dependence on foreign sources of oil remain interested in seeing this process move forward. A regulatory framework is needed in order to clarify the range of development options.

During the last several years, a handful of companies have worked to develop technologies that will allow for economically and environmentally feasible development of this resource. While it may take many years of research to establish whether commercial leasing is viable, it is essential in guiding the scope of study and further analysis, including additional site-specific environmental impact statements that are likely to be needed prior to any commercial-scale development.

Some have complained that it is too soon to begin drafting commercialization regulations or that the pace at which the development is moving is too quick. I am not advocating that we move forward inappropriately or in a way that is not sustainable.

It should be noted that section 369 of the Energy Policy Act also requires the Department of Interior to host a commercial lease sale in February of 2008, but all who are involved in this process are aware that it is premature to take that step too soon. I have been supportive of moving back the date of the first commercial lease sale. However, this fact does not mean that we should not bring the rest of the process to a grinding halt.

We are in the midst of a deliberate and thoughtful process for approaching the research and eventual commercial development of oil shale. The potential of this abundant domestic resource is too important to take lightly.

It is estimated that there are potentially over 3 trillion barrels of recoverable oil available from shale. Let me repeat that. There is a potential of over 3 trillion barrels of recoverable oil available from oil shale, at a time when this country is struggling to produce enough oil for this country's consumption. This could be the single largest contributor to weaning us off of imports from other countries, many of which are in political turmoil. Moreover, bringing online another large domestic supply of energy can lower prices for consumers, bring in royalties to States and the Federal Government, and enhance the stability of oil prices in the marketplace.

With a cautious but deliberate approach that involves consultation with State and local governments, we have the best opportunity of determining if producing oil from shale is possible. We must give this process an opportunity to work before we cut it off at the knees. The language included in this bill does just that. It is not sound policy for our country. From a process standpoint, we should not be undoing carefully crafted policy choices that were negotiated for months by the authorizing committees of jurisdiction and passed by the Congress on a massive appropriations bill that is being pushed through this Chamber at the eleventh hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I wonder if the Senator from Colorado, before he yields, would engage in a brief dialog with the Senator from New Mexico. I ask unanimous consent for 2 minutes for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I withdraw my request to yield the floor.

Mr. DOMENICI. Mr. President, I commend the Senator from Colorado. I understand he is the ranking member on that subcommittee.

Mr. ALLARD. Yes.

Mr. DOMENICI. The Senator tried his best to inform those working on this that this was not the way to handle one of America's most significant resources that might, indeed, sooner rather than later take the place of the crude oil we import from all over the world.

Right now, some of the major companies in America are investing in technology which will completely change the way this asset oil shale will be developed; is that not right? It is going to be in situ instead of the old mining system that would have been so tough environmentally.

Mr. ALLARD. Mr. President, this is a new process. I thank the Senator from New Mexico for his question. This process is becoming economically feasible and certainly protects the environment. I know the Senator has been working hard on this particular issue on the committees on which he is a leader, and I appreciate his recognizing the importance of us being less dependent on foreign oil and the importance of this huge reserve that exists in several States throughout the West. This is new technology. It is very promising. It is exciting. The byproduct from this particular process I have been told—and I have seen samples of it—is high-grade jet fuel that needs further refining because of the high sulfur nitrogen content. But it is a remarkable product, and it is done in an environmentally friendly way.

Mr. DOMENICI. I thank the Senator. I want to say this is exactly what we should not be doing: putting on a moratorium that stops rulemaking and the ordinary professional evolution of standards by the appropriate Federal agencies to address the utilization of one of America's most profound solutions to our energy crisis. Because the price of oil has gotten so high, it is indeed feasible to develop shale oil in America and substitute it for diesel and crude oil products that are bought from overseas. I know that. I need not ask anybody any questions about that. That is why we put the language in the big energy package, and that is why a candidate running for Senate in the State of Colorado should not pander to those who just want to take out after this product that could indeed be one of America's salvations. The people in the State of Colorado and in America ought to know it. The person who did this, who put the moratorium on wants to be a Senator, I understand.

The first thing we ought to find out is does he want America to have a chance to be independent of foreign oil. This is one that might do it. You can imagine that in 15 or 20 years, oil would be produced from this shale, and it can be taken right out of the ground and used, because they boil it in the ground. That is the new technology.

I am not very impressed with somebody who comes along on a bill such as this and deals with this kind of resource in a willy-nilly manner, to respond or pander to those who don't want the United States on its own to do anything to develop energy. They might say we could not do it before. Of course not. You could not develop it at $25-a-barrel oil. But you certainly can at $50, and there is no question you can at $80 or $90. That is what America's future is all about.

I thank the Senator for his work. I am sorry it didn't work. At least those who put that in know somebody is looking out for them. It won't be there next year. This Senator will see to it that we have a debate and vote on that issue before that happens. I thank the Senator for yielding.

Mr. ALLARD. Mr. President, I thank the Senator for his comments on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains on this amendment?

The PRESIDING OFFICER. The proponents have 6 minutes 41 seconds. The opponents have 5 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I yield myself the 6½ minutes. I ask if the Chair will let me know when 1 minute remains.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, I support this amendment, and I commend my friend and colleague Senator FEINGOLD. It is wrong, basically and fundamentally, to give another blank check to President Bush for his failed Iraq policy. I support our troops, but I oppose our war.

We have heard here in the last few minutes and in the last few hours the rather rosy picture about what is happening over in Iraq. I think everybody in this Chamber salutes the brave men and women for their courage, bravery, and valor over the last 5 years. This war has been going on for 5 years. We do know there has been some progress made in recent times on the military aspect. But as every member of the Armed Services Committee understands, everyone who has had a responsibility in Iraq who appeared before the committee has said there are two dimensions for finally getting peace in Iraq: One is military, and one is political reconciliation. That has not taken place.

Day after day after day after day, our men and women are on the streets of Baghdad and around Iraq, and more American servicemen have lost their lives this year than in any other year of the Iraq war, make no mistake about it. As we can see, these brave men and women in Baghdad, and all over, are still being targeted in Iraq. They are basically being held hostage by the Iraqi political establishment. American military personnel, American service men and women are being held hostage by Iraq's political leadership, which refuses to come together and reconcile their differences and form a government.

Every day that goes on, the American taxpayers' money is being poured into the sands of Iraq, because Iraqi politicians refuse reconciliation and political judgments in Iraq. That is what is going on over there today. That was going on yesterday, and it has been going on for 5 years.

What the other side says is let's give this administration and this President a blank check to continue it. How long do they want it for? When is enough enough? That is what they are asking for. That is what they are asking for. For 5 long years, these brave men and women in the Armed Services have done what they have been asked to do, and the best way you can honor them is to get the policy right, get the policy correct.

That is what the Feingold amendment does. How? Very simple. It says: OK, Mr. Iraqi politician, you have had your chance, your day; now you have to take responsibility for your own country. The way you are going to do that is that we are going to start bringing American service men and women home. They have been unwilling to take the political decisions up until now. The other side says pour more money in here and lose more American lives.

The Feingold amendment is a changed policy. It says we believe that with the judgment and decision we are going to take to American servicemen, then they will make the judgment and decision that is in the interest of this country. Their way hasn't worked. This way will. Why not give it a try and a chance?

What are some of the American military personnel saying over there? BG John Campbell, deputy commanding general of the 1st Cavalry Division in Iraq, spoke bluntly about the faults of Iraq's political leaders. He said:

> The ministers, they don't get out . . . They don't know what the hell is going on on the ground.

This is the brigadier general, the deputy commander, talking about the Iraqi political leaders, and you want to give them a blank check? Well, those of us who support the Feingold amendment say no.

Army LTC Mark Fetter put it this way:

''It is very painful, very painful'' to deal with the obstructionism of Iraqi officials.

There it is. How much clearer does it have to get? How much more of a blank check do you need? How many more billions of dollars do you have to spend—let alone that we will never recover the 81 brave men and women from Massachusetts who lost their lives. That cannot be recovered.

Think of this: For every month that goes on in that battle over in Iraq, we could have 250,000 more schoolteachers who are experts in math and science teaching our young people. For every month that goes on, just think that every child who needs after school help and assistance would be able to receive it in the United States of America. Just think, for every month this goes on, we could provide Head Start for every young person who needs it. Just think of this: If we could have the resources for 2 years, we could rebuild and repair every public school in this country that is in need. Doesn't that matter? Well, it matters to this Senator, and it matters to those who are supporting the Feingold amendment.

It is wrong to neglect priorities such as these at home and pour hundreds of billions of dollars into the black hole that the Iraq war has become. It is wrong to give the President another huge blank check for the war in Iraq. Enough is enough.

I urge my colleagues to take a strong stand and vote against this gigantic blank check for more war.

Mr. LEAHY. Mr. President, I support the Feingold-Reid-Leahy Amendment because it specifically requires the President to begin the redeployment of American forces in Iraq within 90 days. Within 9 months of enactment, the redeployment would be completed and funding terminated for Iraq operations with narrow exceptions for a limited number of counterterrorism, force protection, and troop training missions.

The President's so-called ''surge'' is just another word for escalation. It has failed to set the lasting conditions for peace. Violence, though down, still continues at horrifying rates. The various Iraqi factions have made little progress towards political reconciliation. The deadly rifts in that war-torn country have only grown deeper. The Iraqi government has done little to support the few encouraging trends like the willingness of some Sunni groups to turn against the insurgency.

The only thing that is going to force the Iraqis to come to terms—the only way to get Iraq's neighbors involved in bringing about peace there—is to make clear that our country is not going to be there forever. We cannot afford to spend more of our precious resources and to spill more of the precious blood of our troops if the Iraqis will not take responsibility for their own future.

There is a way to begin to right the wrongs of the President's failed policy on Iraq. That better path involves effective diplomacy and a strong signal about our finite military presence in Iraq, not this senseless waste of money and lives. The Feingold-Reid-Leahy Amendment offers the real promise of a long-term positive outcome for our security and the people of Iraq. I urge the amendment's adoption.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the time remaining?

The PRESIDING OFFICER. Seventeen seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent that we have 1 minute evenly divided added to the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I came here at the time of the Vietnam war. I remember how people said maybe it should end and maybe we should do something; the Vietnam war has gone on too long. We finally stopped it. I am the only Vermonter ever to vote against the war in Vietnam. I voted against funding for it, and the funding failed in the Senate in April of 1975 by one vote. The war ended. Two years later, it was hard to find anybody who supported the war, even though we paid for it for a long time.

We have been in Iraq longer than we were in World War II. It is time to bring our brave men and women home. Let them be with their families and let the Iraqis take care of Iraq.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, we know what the situation is, and we are a great nation. We are not at liberty to flip-flop around every time there is some change afoot in some polling data. We voted this summer 80 to 14 to give General Petraeus a chance. We funded the surge and we funded his new strategy. At the time we did that, things were not going well in Iraq. We had a tough year, there is no doubt about it. In the last few months and in the last few weeks, we have seen dramatic changes under the surge and under the classic counterinsurgency strategy this brilliant general is conducting. So I say let's allow him to conduct this war. Let's allow General Petraeus, a proven leader, to do so. Let's reject the tactical decisions of ''General'' FEINGOLD and ''General'' KENNEDY. We have a professional there who is achieving things beyond what I would have thought possible a few months ago, actually. I hoped and believed we were going to see progress, but the extent of it is remarkable.

The last thing we need to do is to take action to pull the rug out from under the fabulous men and women who are serving us at great risk this very moment, whose highest and deepest wish is to be successful, to execute the policy we gave them by a three-fourths-plus vote several years ago.

I thank the Chair and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator CLINTON be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I urge my colleagues to oppose the Feingold amendment. Simply put, this amendment mandates withdrawal from Iraq within 90 days, notwithstanding the substantial progress that even the harshest critics acknowledge is occurring there. Further, it cuts off funds for those troops in 9 months. We have taken this vote three times already this year. That is three times we voted on this this year. It has failed on a bipartisan basis each time, and with good reason.

I urge my colleagues to oppose the Feingold amendment one more time.

Mr. REID. Mr. President, in a short time we will move to vote on three amendments to the Omnibus appropriations bill.

Each of them takes a different approach to funding the war in Iraq.

I will vote for the Feingold/Reid amendment, which I have cosponsored and voted for several times this year.

Feingold/Reid is the right approach to begin to responsibly end the war, and I will vote for it again today.

The second amendment is Levin/Reed, which I will also vote for.

Finally, we will vote on the McConnell amendment, which I will strongly vote against. This amendment simply does more of what congressional Republicans have done since the war began:

It rubberstamps President Bush's reckless management of the war that has cost us so dearly in lives, limbs, and treasure.

The debate over supplemental war funding is nothing new.

Every year, President Bush comes to us demanding more and more funds for Iraq, with absolutely no accountability. This year, he requested a staggering $200 billion for Iraq and Afghanistan.

At a time when he and his allies in Congress are telling us we can't invest in medical research, education, infrastructure, or public safety, they want billions and billions more for Iraq.

How will our country pay the bill for the Iraq war? A Cost that when all is done will likely exceed $2 trillion?

The President has no idea. He has no plan or intention to pay the bill. He is simply sticking it in a drawer like an overdue credit card statement, leaving it to our children and grandchildren to pay for generations to come.

That is not just fiscal irresponsibility, it is fiscal madness. But it is par for the course for a President who inherited record budget surpluses from President Clinton and turned them into record deficits.

Every year, this war gets more expensive, and the American people deserve to know why.

The answer is waste. The answer is fraud. The answer is mismanagement. The answer is incompetence.

On President Bush's watch, the companies he chooses to do business with—like Halliburton and Blackwater—have wasted billions and billions of our tax dollars.

The President has allowed billions to be spent on buildings that were never built, projects that were never seen through, and contractor military operations that did far more harm than good.

That is why he asks for more every year—because he has grossly misspent the funds he has received.

This year, we have already passed a $460 billion Defense budget—and this bill includes another $31 billion for Afghanistan and troop protection.

Democrats have fully funded the needs of our men and women in uniform and given the President more than enough to conduct the war and begin to bring our troops home.

But one thing we can't control is his reckless financial mismanagement.

We have held hearings and brought cases of waste and fraud to the light of day.

But ultimately, the inability to conduct the war with the billions already allocated is no one's fault but his.

The President and his allies here in Congress will doubtlessly push the panic button and say that if we don't approve the funds immediately, our troops will suffer.

This argument is untruthful and beyond the pale.

Our Secretary of Defense, Robert Gates—a man for whom I have great respect—told Congress that the Army has enough money to get through the end of February and the Marines have enough funds to get through mid-March.

If President Bush hadn't wasted untold billions, our troops would be funded for far longer than that.

If the President had followed the wishes of the American people by spending the funds we gave him to wind down the war instead of ramp it up, the existing funds would be more than sufficient.

But he didn't. He ignored the calls of the American people to responsibly end the war. And he should accept the consequences of his mistakes by finally changing course.

But let me be clear: Democrats will never let our troops suffer for the President's misdeeds.

Democrats always have and always will support our courageous men and women in uniform who have given so much and received so little in return.

It is Democrats who insisted upon a 3.5 percent across-the-board pay increase for everyone in uniform, which the President opposed.

It is Democrats who made right the awful conditions at Walter Reed and other veterans' health care facilities that took place on this President's watch.

It is Democrats who provided a $3.5 billion increase for veterans' health care after Republicans underfunded it for years.

It is Democrats who passed the Wounded Warriors Act to honor our servicemembers and their families.

I think we have heard enough of the tired old Bush-Republican scare tactics that Democrats are putting our troops at risk.

The facts speak for themselves.

We have always stood with our men and women in uniform. We always will.

But unlike Republicans, we believe that truly supporting our troops means beginning to bring them home to the hero's welcome they have so bravely earned.

My fellow Democrats and I come to the Senate floor more times than I can count to discuss the horrible cost of the Iraq war on our troops, our national security, and our reputation in the world.

We have lost nearly 4,000 young Americans. Tens of thousands more have been gravely wounded.

As I have said already, hundreds of billions of dollars have been spent—tens of billions have been recklessly wasted—and the total price will climb into the trillions before all is said and done.

Our military has been stretched paper thin. Colin Powell has said our Armed Forces are ''about broken.''

Every single one of our available combat units is deployed to either Iraq or Afghanistan, leaving no strategic reserves for other conflicts.

And as the situation in Iran, the faltering of democracy in Pakistan, and the escalating violence in Afghanistan show, the world can evolve literally overnight.

We must have the flexibility to respond, but right now we do not.

Our troops are being forced into repeated deployments, and the length of those deployments has gotten longer.

Military families are deeply strained, military mental health is suffering, and the Armed Forces are reporting problems with both recruitment and retention.

Just this week, General Casey acknowledged this problem, saying—''We are running the all-volunteer force at a pace that is not sustainable.''

Our National Guard is hamstrung in its efforts to keep us safe at home, because much of their equipment has been shipped to Iraq. Every natural disaster, from fire to flood, reminds us of this growing crisis.

Yet for all the cost and all the courage of our troops, this war has made us no safer.

Let me remind my colleagues of the most recent National Intelligence Estimate, which found that al-Qaida has regrouped and is now directing operations from Pakistan, stronger than ever.

Bin Laden remains free, taunting and threatening us with new videos.

Afghanistan—once viewed as a great military success—has spiraled out of control.

The opium trade there is at an all-time high, violence is at its highest level since American intervention, and recent reports indicate that the Taliban has vastly stepped up its efforts.

It is no wonder that this week has brought new reports that a panicked Bush administration is conducting a top-to-bottom review to stave off all-out chaos in Afghanistan and the backslide of all past gains.

I welcome this review. But as long as more than 160,000 troops remain caught in the crossfire of the Iraqi civil war, our ability to address conditions in Afghanistan—and elsewhere—will be constrained.

The American people are rightly frustrated that more has not been done to responsibly end the Iraqi war.

I share that frustration.

But within the confines of a stubborn, obstinate President and a Republican Congress that knows no other way but to carry his water, Democrats have made a difference—and a majority of Senators have consistently voted with us.

Before Democrats controlled the Congress, the Bush White House conducted the war with total impunity.

No dissent was tolerated. The patriotism of those who raised questions was openly attacked.

This year, Democrats have brought the President's recklessness into the harsh light of day.

We forced the President to set benchmarks for legislative and political progress and required regular reports on whether those benchmarks were being met.

These reports have shown that the surge has failed to reach the objective set forth by the President of political reconciliation.

We forced General Petraeus to testify—and he has said repeatedly that the war cannot be won militarily and must be won politically.

We brought to light the Blackwater controversy and forced Eric Prince to testify.

And we put an end to the duplicitous Republican practice of claiming to support the troops but failing to protect them in the field or provide for them back home.

Do I feel that enough has been done? Of course not.

Time after time, the Republican minority has had a choice: stand with the President or stand with the American people.

Each and every time, they have chosen the President.

I urge my colleagues to reject the McConnell amendment. The time for zero accountability is long past.

I urge my colleagues to embrace the amendments offered by Senator FEINGOLD and Senator LEVIN.

Let's send our troops and all Americans a holiday gift: a message that the United States Congress is ready to bring this war, now nearly 5 years long, to its responsible end.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 71, as follows:

[Rollcall Vote No. 437 Leg.]

YEAS—24

Akaka	Harkin	Murray
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Stabenow
Durbin	Leahy	Whitehouse
Feingold	Menendez	Wyden

NAYS—71

Alexander	Dole	McCaskill
Allard	Domenici	McConnell
Barrasso	Dorgan	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Nelson (FL)
Bennett	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Brownback	Hagel	Roberts
Bunning	Hatch	Salazar
Burr	Hutchison	Sessions
Carper	Inhofe	Shelby
Casey	Inouye	Smith
Chambliss	Isakson	Snowe
Coburn	Johnson	Specter
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Collins	Levin	Tester
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCain	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. On this vote, the yeas are 24, the nays are 71. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment.

Mr. LEAHY. And, Mr. President, is there a time allotted on the amendment of the Senator from Michigan?

The PRESIDING OFFICER. There is 1 hour.

Mr. LEAHY. Equally divided in the usual fashion?

The PRESIDING OFFICER. Equally divided.

Mr. LEAHY. I thank the Chair, and I yield the floor.

the PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3876 TO AMENDMENT NO. 3874

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator REID, Senator VOINOVICH, Senator HAGEL, Senator SNOWE, Senator REED, Senator SMITH, and Senator SALAZAR, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REID of Nevada, Mr. VOINOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REED of Rhode Island, Mr. SMITH, and Mr. SALAZAR, proposes an amendment numbered 3876 to amendment No. 3874.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on the transition of the missions of United States Forces in Iraq to a more limited set of missions as specified by the President on September 13, 2007)

At the appropriate place, insert the following:

SEC. . It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to the more limited set of missions laid out by the President in his September 13, 2007, address to the Nation, that is, to counterterrorism operations and training, equipping, and supporting Iraqi forces, in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

Mr. LEVIN. Mr. President, our amendment expresses the sense of the Congress that we should have a goal for the removal of most of our forces in a reasonable time mainly as a way of telling the Iraqi leaders they must accept responsibility for their own future. Our amendment expresses the sense of the Congress. It is not legally binding, but it puts us on record, and it sends a message. It says it is the sense of the Congress that:

The United States Armed Forces in Iraq should transition to the more limited set of missions laid out by President Bush in his September 13, 2007, address to the Nation—counterterrorism operations and training, equipping, and supporting Iraqi forces—

And we add—

in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

The primary aim of this amendment is to keep the pressure on the Iraqi politicians to do what only they can do: Work out compromises, as they promised to do long ago—to compromise the differences which divide them so as to ensure the currently relatively calm situation in many parts of Iraq, including Baghdad, remains calm. Our sense of Congress language is aimed at pressuring the Iraqi politicians to seize the window of opportunity, as General Odierno put it, to avoid a return to the violence that characterized the presurge period.

The New York Times, in a story on December 5, quoted Iraqi Deputy Prime Minister Chalabi as saying about the present situation in Iraq: ''It is more a cease-fire than a peace.'' Well, we need to make it clear to those Iraqi political leaders that a cease-fire is not good enough. They must take the steps to turn that cease-fire into a real peace.

From all accounts, the surge has already produced some military progress. The problem is that while the surge has, up to this point, achieved some military progress, it has not accomplished its primary purpose, as announced by President Bush last January. President Bush said the surge's purpose was to give the Iraqi Government ''the breathing space it needs to make progress in other critical areas'' and that ''reducing the violence in Baghdad will help make reconciliation possible.''

The President also said ''America will hold the Iraqi government to the benchmarks that it has announced.'' Well, the administration has not done what it said it would do—hold the Iraqi Government to the benchmarks that it, the Iraqi Government, has announced. Those legislative benchmarks include approving a hydrocarbon law, approving a debaathification law, completing the work of a constitutional review committee, and holding provincial elections. Those commitments, made 1½ years ago, which were to have been completed by January of 2007, have not yet been kept by the Iraqi political leaders despite the breathing space the surge has provided.

Despite the breathing space the brave men and women wearing our uniform have provided the Iraqi leaders, despite the breathing room and the breathing space which young men and women putting their lives in harm's way on behalf of this Nation to give the Iraqis an opportunity to create a nation, they have not used that breathing space. And as a matter of fact, the Iraqi leaders appear to be farther apart today than they were at the start of the surge.

The Iraqi political leadership's response to the breathing space provided by the surge has been stunning inaction. The Iraqi Parliament has suspended its session until the New Year, thus ensuring that not 1—not 1—of the 18 legislative benchmarks that they committed to meet will be met this year. The President's statement that he will hold the Iraqi Government to the benchmarks it has announced is hollow rhetoric. To date, there have been no consequences for Iraqis' failures to meet those benchmarks.

Whether the Iraqi political leaders decide to take advantage of this window of opportunity is, of course, their decision. The United States cannot make that decision for them. They are a sovereign country and have to decide what is best for themselves. But whether the United States keeps an open-ended commitment or establishes a goal for redeployment of most of our forces is our decision. That is not the Iraqis' decision. They can decide whether to live up to the commitments they made to themselves and to us—solemn commitments, as far as I am concerned, because it involves the lives of American troops. Those solemn commitments have not been kept. We cannot force them to keep them, but we can decide whether we are going to maintain an open-ended commitment of our troops.

Mr. President, how much time do we have?

The PRESIDING OFFICER (Mr. BROWN). The Senator from Michigan has 24 minutes.

Mr. LEVIN. I yield myself 3 additional minutes.

According to our own State Department, the key threat to our effort in Iraq is the failure of the Iraqi political leaders to reach a political settlement. Listen to what the State Department said in its own weekly status report of November 21, 2007. This is our State Department:

> Senior military commanders [U.S. commanders] now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents or Iranian-backed militias.

Let me read that once again. This is our State Department saying what is the key threat to our forces in Iraq. What they are saying is that it is not the Iranian-backed militias, it is not the Sunni insurgents, it is not the al-Qaida terrorists; the key threat facing the U.S. effort in Iraq, according to our State Department, is ''the intransigence of Iraq's Shiite-dominated government.''

We have to break that intransigence. How can Congress do it? How do we put pressure on the Iraqi political leaders? At a minimum, by at least expressing our view that U.S. forces in Iraq should transition to a more supporting and a less direct role, with a goal—a goal, just a goal—of completing that transition by the end of 2008. The message the Iraqi political leaders need to hear is that Congress has lost patience with them, as have the American people. By their own Prime Minister's acknowledgment, a political solution is the only way to end the conflict, and ending the conflict is in their own hands.

I wish we could legislate a legally binding way forward for U.S. forces in Iraq. We have tried to do that. We have not been able to break the filibuster, to get to 60 votes. But at least expressing the sense of the Congress on this matter is better than silence because silence implies acquiescence in the open-endedness of our presence. It is that open-ended commitment which takes the pressure off the Iraqi political leaders, and Congress needs to act to correct that. Our amendment is a small but important step in that direction.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 5 minutes from the time on this side.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I do not support the Levin amendment. I rise in strong support of the amendment offered by our leader, Senator MCCONNELL, and the Senator from Connecticut, Mr. LIEBERMAN. That amendment will provide the Department of Defense and our deployed military personnel the resources they need to continue the mission they have been assigned. It will also eliminate the distinction proposed by the House to fund only those troops that are assigned to Afghanistan. In my view, it is unconscionable for Congress to send the message to our troops that they will only get what they need if they are lucky enough to be assigned to fight the war in Afghanistan. What if they were assigned to Iraq? Should they go without funds?

I believe it is our duty as Senators to support the troops in the field and provide them all the resources they need to complete the mission they have been assigned. Unlike us, they do not get to choose which battle they fight. They go where duty calls, without hesitation.

Senator INOUYE and I were in Iraq during the Thanksgiving recess, and I can tell the Senate that the troops are watching what is going on right here. They will get the message over there, and if the House amendment is approved, it will be a real blow to the morale of our forces. This particularly concerns me, that some of my colleagues would consider cutting off funds in Iraq at a time when we are starting to see real progress and reconciliation.

I listened to the comments made by the Senator from Arizona, Mr. MCCAIN. I am really pleased to see his strong approval of the funding of our troops that are deployed in harm's way.

In March, Ambassador Crocker and General Petraeus will be testifying before Congress to give us their assessment of the situation in Iraq. We know General Petraeus's plans are working. To withhold funding now would only invite defeat and step back from the progress that has been hard fought and won over the last few months.

I have urged Congress for quite some time to approve this funding and allow progress to continue until we hear from our leaders on the ground in Iraq. The funds that are sent—the President sent us the request for these funds 10 months ago. For the past 3 years, the Committee on Appropriations has included bridge funding as part of the annual appropriations bill to cover the cost of war, until a supplemental bill was passed in the following year. This amendment would continue what Congress has done in prior years by providing funds to cover the cost of continued operations, including special pay and subsistence to our troops, fuel, transportation, supplies, and equipment reset and procurement.

The amendment is intended to cover half-year costs for keeping troops in the field. It also provides resources to provide critical force protection equipment, including body armor, helmets, armor plate for vehicles, and aircraft survivability equipment.

There is also other equipment procurement funding to reset our forces returning from theater. This includes buying down shortfalls for the National Guard and Reserve units. Specifically, the McConnell-Lieberman amendment would provide $1.1 billion military pay and benefits to include support for our wounded warriors and death gratuities; $50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance, including $500 million for the commander's Emergency Response Program, $1.4 billion for body armor and personal protection equipment, and $9 billion for depot maintenance funding to reset equipment and maintain force readiness.

This amendment also provides funds to continue our efforts to train and equip the Iraqi and Afghan security forces. That funding is critical so that the elected governments in those countries can effectively provide for their own security and our troops can come home.

There is also $4.3 billion for the Joint Improvised Explosive Devise Defeat Fund which will help our troops detect and defeat the No. 1 killer of our troops in Iraq—the IEDs, the improvised explosive devices we have heard so much about.

Mr. President, $6.1 billion is included for the procurement of equipment, ammunition, vehicles, missiles and aircraft, including $946 million for Army aircraft, $3.46 billion for Army vehicles and equipment, $703 million for Marine Corps vehicles and equipment, and $266 million for special operations forces equipment.

The amendment also includes $1 billion for the Defense Working Capital Fund, which includes $587 million to reset prepositioned stocks stationed around the world, which greatly enhances our Nation's ability to respond to contingencies, and we have forces in 141 different—I ask for 1 more minute.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It also provides $141 million for increased fuel costs, $3.7 billion to continue to enhance our intelligence activities in the theater, $600 million for the Defense Health Program to provide for the care and recovery of our wounded servicemembers, and $193 million for counterdrug activities to curb production of opium in Afghanistan.

Without these funds, the Department of Defense would be forced to pay for the cost of war out of the regular DOD moneys we have already appropriated. This cost of this war is approaching $15 billion a month, with the Army spending $4.2 billion of that every month. Without relief, the Army will totally deplete their 2008 operations and maintenance funding by mid-February.

I urge the Senate not to take the risk that our troops in the field will not have those resources they need in time to complete the mission they have been assigned. I urge the Senate to support the McConnell-Lieberman amendment.

I ask to have a chart showing the $70 billion bridge fund, as I tried to outline, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

$70 BILLION BRIDGE FUND

$1.1 billion for military pays and benefits to include support to wounded warriors, and death gratuities.

$50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance in the field and at our national depots.

Provides $500 million for the Commander's Emergency Response Program.

Provides $1.4 billion for Body Armor and Personal Protection Equipment.

Provides $9.0 billion of Depot Maintenance funding to reset equipment and maintain force readiness.

Provides for the transfer of $110 million to the Coast Guard for support to GWOT.

Provides $300 million for Coalition Support.

$2.9 billion to continue our efforts to train and equip the Iraqi and Afghan security forces.

$4.3 billion for the Joint Improvised Explosive Device Defeat Fund to help our troops detect and defeat the number one killer of our troops in Iraq.

$6.1 billion for procurement of equipment, ammunition, vehicles, missiles, and aircraft.

Includes $946 million for Army Aircraft; and $3.46 billion for Army vehicles and equipment.

Includes $703 million for Marine Corps vehicles and equipment.

Provides $266 million for Special Operations Forces equipment.

$1.0 billion for the Defense Working Capital Funds.

Includes $587 million to reset Prepositioned Stocks stationed around the world and greatly enhances our nations ability to response to contingencies.

Provides $141 million for increased fuel costs.

$3.7 billion to continue and enhance our Intelligence activities in theater.

$600 million for the Defense Health Program to provide for the care and recovery of our wounded service members.

$193 million for Counter-Drug activities.

Mr. STEVENS. I also thank my colleagues for their continued support of the troops in the field.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The senior Senator from Virginia is recognized.

Mr. WARNER. Mr. President, if I could get the attention of the distinguished chairman, might it be advisable that we rotate sides? I will be happy to follow a colleague on your side for purposes of this debate.

Mr. LEVIN. Fine. That is fine with us. I yield 5 minutes to the Senator from Ohio, and we will come back to you.

Mr. WARNER. Fine. The Senator from Ohio is in support of the amendment of the Senator from Michigan?

Mr. LEVIN. That is correct.

Mr. WARNER. Mr. President, I ask that I be recognized following the Senator from Ohio for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today to speak in favor of the Levin amendment on Iraq. As my colleagues know, I have long supported a greater level of oversight in the war in Iraq. Many of us feel we should have done a better job of force oversight at the beginning of the war. I was quite taken with a quote from Condoleezza Rice recently, who said, ''I wish we had known more about Iraq before we went in.''

While in Iraq in August, I witnessed a great deal of progress on the ground. That gave me encouragement. However, I was also convinced that it would not be possible to sustain the current level of troops and funding for Iraq over the long term without damaging our national security and long-term fiscal health.

As stated before, I believe we need to implement a plan to reduce our military presence in Iraq and focus the remaining military presence on a more limited role. This is clearly the plan General Petraeus is implementing now, and it is the stated goal of the President, as mentioned in the Levin amendment, supported by Secretary Gates and others who are concerned about our force level, and that we need more troops in Afghanistan. I have been working with Senator LEVIN for several months now to come up with a piece of legislation that could secure bipartisan support in the Senate and send a message to the President and the world that the Congress intends to exercise oversight to ensure we are making progress toward this goal. I have been careful to avoid supporting any measure that I thought would hurt our troops in any way, tie the hands of our brave commanders in the field, or prevent the President from responding to the situation on the ground.

In September, I introduced a bill with Senators ALEXANDER, COLEMAN, and DOLE to strive for a goal to reduce our military presence. We had bipartisan support for that, but Senator LEVIN and I had a problem with the date. Unfortunately, it fell by the wayside.

I support the Levin amendment, and I am a cosponsor to this legislation because I believe it is a very simple piece of legislation that accomplished the goals we all share. It sends the message that we support the President's declared goal of reducing our presence in Iraq over time so we can play a more supportive role, bring our forces home, and reduce the burden on our military. It is a sense of Congress and will not bind the President in any way or tie the commanders' hands in the field. It is supported by the President's own declared goals and that of his commander, General Petraeus—who is doing, by the way, an incredible job. It provides a goal for limiting our role in Iraq, and that goal is to end at the end of next year. But, unlike other past legislation, this date is not legally binding and would allow the President to respond according to the security conditions on the ground.

I believe this amendment will not hurt our aspirations in Iraq in any way but will actually help our President and General Petraeus, who are striving now to hand over more responsibility to the Iraqis.

This week, it was announced that the Iraq Government is ready to take over local security groups, with our support. This is an important step, and it is a step in the right direction. We need to continue in this direction. We need to make it our goal. We need to let the Iraqis know that they must take more responsibility for their own security.

We must make it clear to them that we spent over $550 billion, that we have lost almost 3,900 individuals, 26,000 people have been wounded over there, and half of them are going to be disabled for the rest of their lives.

We have paid a tremendous price. It is time for them to step up to the table and start doing more for themselves. I support this amendment so Congress can send that message that we are not simply funding a never-ending conflict in Iraq, we have a goal of reducing our presence there, and we are working toward it.

I hope my colleagues realize the sensibility behind this very simple piece of legislation and join me in supporting it today.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it had originally been established that I would speak now, but I am going to yield the time I have to the distinguished Senator from South Carolina for 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I say to my friend from Virginia, thank you. I do hope you will take an opportunity to speak because your voice needs to be heard.

I say to my good friend Senator LEVIN, we have had a number of chances to work together. I am afraid this is not one of those moments.

What does all of this mean if this language passes? The bill will get vetoed. And when you read the language, what is so bad about it? I know the intent of the author is to try to make Iraq a better place, and he said for as long—I do not want to misquote him—as long as you have this many troops in Iraq, they are not going to do what they need to do politically. They use the troops as a crutch. I think that is the general theme, that we need to somehow let the Iraqi Government know we are not going to be there forever with this number of troops. You need to step up to the plate, generally speaking. I think that is your view of how to put pressure on the Maliki government to reconcile, but, again, I will let you speak for yourself.

My view is that the lack of security has been the biggest impediment to reconciliation, and the security changes in Iraq give us the best hope we have had in 4 years of finding a way forward politically in Iraq. If we change by word or deed or perception our commitment to the military strategy that is currently working, we would be undercutting our best chance for reconciliation.

This amendment, this sense-of-the-Senate amendment, does not do anything positive. It sends the signal I have been trying to avoid for well over a year now. For 3½ years we had the wrong strategy. Finally we have the right strategy, and in my opinion, the best, sensible thing the Senate could do is allow the surge to go forward without any interference, give General Petraeus and those under his command what they need to finish the job. They have done a wonderful job. We are going into the holiday season here and every American, every political leader, should celebrate what I think has been the most outstanding military operation in counterinsurgency history, and we should not have any more debates about that. It is a fact now. We should support it without reservation.

This amendment, the sense of the Senate, will send a confusing signal about what we intend to do militarily. The Senate, in my opinion, should not try to change the mission. The mission is to win. Very simply put, what is my goal in Iraq? My goal is to win a war we cannot afford to lose, to have a military footprint in Iraq as long as it takes to keep al-Qaida on the run, and when we come home, which we surely will, to come home with victory in hand and let the military commanders who are not worried about the 2008 election decide when that transition should take place. Quite frankly, as much as I love my colleagues in this body, I do not trust anybody, including myself, to transition this mission other than General Petraeus.

This statement will be seized upon by people who are following this bill very closely and will send all of the wrong signals, and that is why it will be vetoed. The most sensible thing the Senate could do, and we should have done this 4 or 5 months ago, is allow the surge to go forward without political interference. This is not the time to take command of the operation in Iraq from General Petraeus and his command team and give it to the Senate.

I hope and pray we will allow the surge to be funded, to go forward, and to achieve the goal that is in the national interest of the United States, and that is victory, victory over extremism and support of moderation. So this attempt at making a political statement is ill-advised, comes at the wrong time, sends the wrong signal. The most sensible thing the Senate could do is reject this and allow our military commanders to transition based on facts on the ground, not the next poll or the next election.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island, Mr. REED.

Mr. REED. Mr. President, Senator LEVIN has very eloquently pointed out the premise of the President's surge strategy; that was to provide the political space so that the Iraqi Government could essentially begin a reconciliation among its own people, begin to function effectively. Little or none of that has happened.

What has happened is that the violence has been reduced. That is commendable. It is attributable to several factors; first, the increase of American forces there and the way they have been deployed very adroitly by our military commanders; secondly, the fact that coincidentally but propitiously in Anbar Province, Sunni tribesmen have finally figured out that al-Qaida is as much a threat to them as to anyone else, particularly Americans. They have banded together with us to attack al-Qaida elements there. How long that relationship of convenience lasts is a question that has not been resolved.

Within Baghdad, there has been significant ethnic cleansing. In fact, we recall just weeks ago, refugees started coming back. They were told by the Government in Baghdad: Do not come back. You are going to provoke another destabilizing situation. That ethnic cleansing is one other factor.

Sadr, the leader of the Shia in the South, one of the purported leaders in the South, has basically told his Mahdi army to stand down for 6 months so he can reorganize, so he can regroup, so when he feels the moment is right he is in a much more powerful position to strike.

Then the administration has finally embraced some diplomatic efforts; quietly, I think, with the Iranians, much more publicly with the Syrians and others. All of those factors together have contributed to this reduced violence.

But here is one of the most significant and salient facts we have to recognize: The surge is over. Our force structure will not allow a continuation of 160,000 American forces in Iraq beyond the middle of this year, beyond this summer. That is not because some politician in Washington said so, that is because the Chairman of the Joint Chiefs of Staff, because the Chief of Staff of the Army understand that the operational tempo will not allow that.

The question before us is: Well, what is the strategy now? Is the strategy coming here and asking for billions of dollars every 3 or 4 months? Asking for troops that cannot be actively or effectively provided, because our force structure is too small?

The essence of this amendment, an amendment that Senator LEVIN and I and others have been pursuing for months now, is to focus on a strategy that can be sustained and supported so we can do what we must do. That strategy, in our view, boils down to three very specific missions: Go after the terrorists, the al-Qaida people, wherever they are; train Iraqi security forces to support their country, because ultimately the Iraqi people and their leaders will decide whether their country will survive and prosper, not American forces; and, finally, protect our forces on the ground.

Those are three discrete missions that can be done, should be done. There is no attempt in this amendment to cut off funding. There is an attempt, though, to focus our policy on a strategy that will work over time. What we have here is no simple situation in which you have got an al-Qaida rogue group we are going after. This is a very complicated situation.

Ultimately at the heart of this, it is a political struggle between Sunni, Shia, and Kurds; Sunnis, who feel a profound sense of entitlement which has been frustrated by our operations over there, and the departure of the Baathist regime; Shia, who feel profoundly paranoid because they suffered grievously under that regime; and Kurds, who want their autonomy.

These political forces have to be settled. They will only be settled internally by the Iraqis standing up. This amendment will help direct that policy, force them to recognize we are not there indefinitely with a blank check. It will also guide our forces to missions that we can perform, that will be essential to our security and will allow us, I believe, to do what we can to help that country stabilize itself.

This is a message. It is a message to the troops that we are going to adopt a wise, sustainable policy that is worthy of their sacrifice. It is a message, I hope, to the President that he cannot come back here every 6 months and ask for 5, 10, 50, 70, 80, $100 billion. It is a message to the Iraqi politicians that they must seize this moment.

I urge passage.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Virginia.

I rise to support the amendment I am privileged to cosponsor with the Senator from Kentucky, Mr. MCCONNELL, which would give our troops, General Petraeus in the field, the funding they need to carry on the fight they are carrying on so successfully.

As a result, I rise to oppose the amendment introduced by my friend from Michigan and others. Nine months ago, when General Petraeus took command in Baghdad, people of good conscience could disagree about whether his new counterinsurgency strategy would succeed, unless you decided that everything was lost in Iraq or it did not matter if we lost in Iraq. I think most of us do not feel that way. We know it would matter, because we are engaged in a battle with al-Qaida, the same al-Qaida that attacked us on 9/11, and Iran, the most significant state sponsor of terrorism, according to our own State Department, supporting militias and extremists in Iraq. So it matters.

But 9 months ago, people who cared about whether we won or lost in Iraq could argue about whether the surge strategy would work. After so many

mistakes, frankly, in the conduct of the war in Iraq, many Americans, many Members of this Chamber, were understandably skeptical about the possibility of this new counterinsurgency strategy succeeding.

Now, however, the evidence is unequivocal. I will say it is remarkable. In some cases it is downright miraculous. The surge is working. As a result, it is time to support General Petraeus, his plan, and his troops, not to second guess, not to editorialize about it, not to add conditions or goals to it.

Let's do something that we in Congress do not do very well, which is to remain silent in the face of something that is working. With all respect, the Levin amendment is a classic case of snatching defeat from the jaws of victory, because we are on the road to victory in Iraq.

The extra American troops have played a critical part, the broad-scale counterinsurgency strategy. And what has happened? Violence is down. I think this number has been cited, but this week, MG Joseph Fil, who is the commander of our operations in Baghdad, said that attacks in the capital city have fallen nearly 80 percent since November of 2006; murders in Baghdad Province are down by 90 percent over the same period; and vehicle-borne bombs which have killed so many of our troops and the Iraqi people have dropped by 70 percent.

There is a people's uprising occurring in Iraq today. It started with the awakening in Anbar. It has now gone on to Baghdad and other provinces throughout the country. I know those sponsors of this amendment have said they want to send it as a message to the Iraqi national political leadership to get with it, to reconcile. Of course, we are all frustrated by their lack of progress in doing that. A lot of us thought that the political changes in Iraq would come from the top down. But what has happened is something not to disparage, not to ignore. What has happened is classically democratic, in the best traditions of America. The political changes in Iraq are coming from the bottom up, from the grassroots up. Local councils are governing in area after area. The local people have taken charge of their destiny. They have kicked out al-Qaida. They have kicked out al-Qaida because they decided that al-Qaida was their enemy. And we, much to their surprise, turned out to be their friends, their supporter. They understand we do not want conquest in Iraq. We want to liberate them from the forces of extremism. The same is happening throughout the country.

I urge my colleagues, let success alone. Let it work. Oppose the Levin-Reed amendment and support the McConnell-Lieberman amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I think I can almost speak for our side with certainty. I have a few comments, followed by perhaps a minute and a half by the Republican leader, and then that way we can yield back time. I will proceed to give my comments.

I say to my good friend from Michigan that I picked one word out of his very impressive opening comments. I agree with his opening comments about the tragic situation by which the leadership in Iraq, their legislative body, has failed to act.

But one word you said impressed me, and that is ''military progress is being made.'' That is an exact quote you used. You felt if we didn't speak by adopting your amendment, there would be silence. I say to my good friend, the amendment by the distinguished Republican leader and the Senator from Connecticut, the McConnell-Lieberman amendment, will send a very strong message. Were we to adopt your amendment, it would be in conflict with that message. That is my concern. Therefore, I must say, I strongly support the McConnell-Lieberman amendment. I hope that will be voted on very shortly. I do believe, in all sincerity, your amendment would send a conflicting message. That message could be exceedingly troublesome. People don't understand the phraseology ''sense of the Senate.'' Al-Qaida would simply clip that off and then announce that we are going to leave in December, irrespective of the facts on the ground. Furthermore, we have not been in this fight alone. We put together a coalition of forces, a coalition of nations, primarily Great Britain and others, Poland. So far as I know, there has been no consultation with respect to your amendment to announce a goal by December of next year with those other fighting forces that, while they are smaller in number, are no less important as a symbol of the united effort of many nations to achieve, first, sovereignty in Iraq, which has been a wonderful goal that has been achieved, and now to enable that country to take its place rightfully in that region and be a strong voice for freedom and to fight al-Qaida.

I say to my friend, I will have to oppose his amendment because it would send a totally conflicting message with the underlying amendment, which is a very significant appropriation of funds to continue, as you say, in your very words, the ''progress'' of the military so far.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Before I yield to the Senator from California, let me respond briefly to my friend from Virginia. There is no inconsistency between voting to adopt a sense-of-the-Senate resolution expressing as a goal, nonbinding, that we complete a transition to a more limited mission, a mission which the President says he wants to transition to by the end of next year and at the same time voting for the McConnell amendment. There will be many Senators voting for the Levin-Reed amendment who are also going to vote for the McConnell amendment. There is no inconsistency whatsoever between sending our troops the funding which has been requested and having a goal for the transition of their mission to something which gets them out of the middle of a civil war. That is the one point I wish to make immediately to my good friend from Virginia.

I yield 4 minutes to the Senator from California.

Mrs. BOXER. Mr. President, it seems to me if you want to liberate the Iraqi people, then you give them back the country and you let them know that is what this is all about. We have been there 1 year, 2 years, 3 years, 4 years, 5 years. We have spent a half a trillion dollars; 3,893 of our own killed, 28,711 wounded. Is this forever? I went through the period of time in the Vietnam war where the people of this country stood up and said: Enough is enough is enough. It seems to me what Senator LEVIN is doing—and I am so proud he has bipartisan support, Senators HAGEL, VOINOVICH, SNOWE, SMITH—is good. This shows we are beginning to cross over party lines, which is so important, and say: It is time the mission changes.

My dear friend from Virginia talks about the Brits. This is exactly what the Brits have already done. They are getting out. They have turned the keys of the city over to the Iraqis. They are ahead of us. In many ways, this resolution tracks what they have done. I read it. It is very simple. It is a sense of the Congress that the missions of the U.S. Armed Forces should be transitioned to a more limited set—counterterrorism, training, equipping, supporting Iraqi forces, and force protection. Yes, we are sending a message to the Maliki Government, get your act together because we are not going to be here forever. The American people are generous and good people. But there is a limit to how much they can give in terms of blood and treasure.

It is true that many people supporting this resolution are going to vote for the McConnell amendment. I will not be one of them. I wish to speak against it for my remaining time. I have a list of what we have already spent. A half a trillion dollars, that is what we have already spent, and we are about to go well over that mark, toward a trillion dollars. There comes a time when we have to ask ourselves: What are we doing in Iraq? If you listen to the President, it is to bring freedom. He said it was the weapons of mass destruction. Then he changed that. He said it was to get Saddam. We got Saddam. Then he changed it. He said we have to have free and fair elections. They had two. He said we have to reconstruct. We are spending money to reconstruct.

It is now time to say enough is enough. I think the Levin resolution is not putting into place binding deadlines. It is merely saying to the Iraqi Government we want them to step up to the plate.

If my colleagues want to be seen as occupiers, vote against this amendment because that is what is happening. We are seen as occupiers, when we want to be seen as liberators. If you want to be seen as liberators, you do what the Brits did. This is exactly what Senator LEVIN is doing. I am pleased to support this. I will be voting no on McConnell.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I believe we are about ready to vote on this side. We are going to have our leader speak for a minute, and then we can proceed. I simply, once again, say to my distinguished colleague from Michigan, while we are waiting for the Republican leader, with due respect, this will send a very conflicting message. If the Senate acts upon this appropriations tonight favorably, as I anticipate it will, coupled with your message, it could be misconstrued. Therefore, I strongly urge that the Senate accept the McConnell-Lieberman amendment but reject the amendment of the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The message is not conflicting at all. There is no conflict between saying we are going to support our troops, we are not going to reduce funding for them, and at the same time have a goal a year hence for when they transition to the more limited mission. There is not the slightest inconsistency. It is not a conflicting message. If we are interested in success in Iraq, there is only one way to achieve it—for the Iraqi politicians to reach agreement on their differences which have continued the conflict. That is not just me saying it. That is our military leaders.

I wish to read this quote because I am not sure people have focused on it. This is our State Department. I ask my colleagues to listen to this very brief quote from our State Department:

> Senior military commanders portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents or Iranian-backed militias.

Is that a conflicting message from our State Department, when they identify the political leaders of Iraq as being the major threat to our success? They are the major threat to our success. We all know it. Our military leaders have said it is the failure of the political leaders of Iraq to work out their differences, which is the key problem that keeps the battle going on between Iraqis. That is our State Department. Is that a conflicting message? I don't think so.

It is the truth. Most of us recognize it. We are all completely unhappy with the Iraqi political leaders. Most of us, when we go to Iraq, tell them that. The President of the United States has even said it is useful for that message to be delivered. Let us deliver it tonight.

The PRESIDING OFFICER. Who yields time?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if we want a Presidential signature on the Omnibus appropriations, thereby finishing our work this year, we need to defeat the Levin amendment and approve the McConnell amendment, which will come shortly after the Levin amendment. The McConnell amendment provides $70 billion for our troops, whether they are in Afghanistan or Iraq, without any strings attached, without any stipulations. The key to finishing our work this year successfully lies in defeating the Levin amendment and approving the McConnell amendment.

Mr. President, I ask unanimous consent that an explanatory statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR MCCONNELL, SENATOR STEVENS, SENATOR COCHRAN, SENATOR INOUYE, AND SENATOR LIEBERMAN REGARDING SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

The following tabular data delineates by appropriation the funding provided by the McConnell amendment (related to supplemental appropriations for the Department of Defense) to H.R. 2764, the State, Foreign Operations, and Related Programs Appropriations Act, 2008.

In regard to classified activities funded in this amendment, a separate letter from the Chairman and Ranking Member of the Defense Subcommittee of the Committee on Appropriations will delineate the programs and activities funded by this amendment.

[Dollars in thousands]

TITLE I—MILITARY PERSONNEL

Military Personnel Army:	
Pay and Allowances	13,700
Wounded Warrior	68,800
Total, Military Personnel, Army	782,500
Military Personnel, Navy:	
Pay and Allowances	95,624
Total, Military Personnel, Navy	95,624
Military Personnel, Marine Corps:	
Pay and Allowances	56,050
Total, Military Personnel, Marine Corps	56,050
Military Personnel, Air Force:	
Pay and Allowances	138,037
Total, Military Personnel, Air Force	138,037
Total , Military Personnel	1,072,211

TITLE II—OPERATION AND MAINTENANCE

Operation and Maintenance, Army:	
Operating Expenses	25,158,543
Wounded Warrior, Enhanced Soldier and Family Support	853,800
Body Armor and Personal Protection Items	800,000
Commander's Emergency Response Program	500,000
Depot Maintenance	7,840,027
Total, O&M, Army	35,152,370
Operation and Maintenance, Navy:	
Operating Expenses	2,971,658
Body Armor and Personal Protection Items	175,000
Depot Maintenance	407,342
Coast Guard Support	110,000
Total, O&M, Navy	3,664,000
Operation and Maintenance, Marine Corps:	
Operating Expenses	3,000,000
Wounded Warrior, Enhanced Soldier and Family Support	100,000
Body Armor and Personal Protection Items	375,000
Depot Maintenance	490,638
Total, O&M, Marine Corps	3,965,638
Operation and Maintenance, Air Force:	
Operating Expenses	4,060,814
Body Armor and Personal Protection Items	400,000
Depot Maintenance	317,186
Total, O&M, Air Force	4,778,000
Operation and Maintenance, Defense-Wide:	
Joint Staff	32,140
Special Operations Command	1,054,000
Armed Forces Information Service	9,300
Defense Contract Audit Agency	7,100
Defense Contract Management Agency	3,000
Defense Human Resources Activity	4,100
Defense Information Systems Agency	44,510
Defense Logistics Agency	48,200
Defense Legal Services Activity	9,900
Department of Defense Education Activity	155,000
Defense Security Cooperation Agency—Coalition Support	300,000
Lift and Sustain	100,000
Global Train and Equip	300,000
Office of the Secretary of Defense	42,500
Washington Headquarters Services	7,200
Total, O&M, Defense-Wide	2,116,950
Operation and Maintenance, Army Reserve:	
Operating Expenses	68,036
Wounded Warrior, Enhanced Soldier and Family Support	9,700
Total, O&M, Army Reserve	77,736
Operation and Maintenance, Navy Reserve:	
Operating Expenses	41,657
Total, O&M, Navy Reserve	41,657
Operation and Maintenance, Marine Corps Reserve:	
Operating Expenses	46,153
Total, O&M, Marine Corps Reserve	46,153
Operation and Maintenance, Air Force Reserve:	
Operating Expenses	12,133
Total, O&M, Air Force Reserve	12,133

Operation and Maintenance, Army National Guard:	
Operating Expenses	288,900
Wounded Warrior, Enhanced Soldier and Family Support	38,100
Total, O&M, Army National Guard	327,000
Operation and Maintenance, Air National Guard:	
Operating Expenses	51,634
Total, O&M, Air National Guard	51,634
Iraq Freedom Fund	3,747,327
Afghanistan Security Forces Fund	1,350,000
Iraq Security Forces Fund	1,500,000
Joint Improvised Explosive Device Defeat Fund:	
Attack the Network	1,258,000
Defeat the Device	2,340,000
Train the Force	603,000
Staff and Infrastructure	68,000
Total, Joint Improvised Explosive Device Defeat Fund	4,269,000
Total, Operation and Maintenance	61,099,598

TITLE III—PROCUREMENT

Aircraft Procurement, Army:	
Utility Fixed Wing Cargo Aircraft	5,000
UH–60M Blackhawk—27 Aircraft	483,300
AH–64 Apache—3 Aircraft	105,000
CH–47 Chinook—11 Aircraft	334,100
Common Ground Equipment	10,000
Air Traffic Control	6,200
Total, Aircraft Procurement, Army	943,600
Procurement of Weapons & Tracked Combat Vehicles, Army:	
Bradley Program	700,100
Stryker Vehicle	41,000
Bradley Fire Support Vehicle (Mod)	65,000
Bradley Fighting Vehicle Systems (Mod)	48,000
Improved Recovery Vehicle (M88 Mod)	135,000
M1 Abrams Tank (Mod)	200,000
Abrams Upgrade Program (M1A2 SEP)	225,000
M249 Squad Automatic Weapon Machine Gun Mods	6,500
M16 Rifle Modifications	1,845
Modifications Less Than $5.0M (WOCV–WTCV)—Improved Combat Optics	7,000
Total, Procurement of Weapons & Tracked Combat Vehicles, Army	1,429,445
Procurement of Ammunition, Army:	
Cartridge, 25MM, All Types	300
Cartridge, 30MM, All Types	40,000
Cartridge, 40MM, All Types	65,700
Cartridge, Artillery, 105MM, All Types	10,000
Modular Artillery Charge System, All Types	18,000
Rocket, Hydra 70, All Types	20,000
Total, Procurement of Ammunition, Army	154,000
Other Procurement, Army:	
Tactical Trailer/Dolly Sets	29,000
High Mobility Multipurpose Wheeled Vehicle	455,000
Family of Medium Tactical Vehicles	146,000
Family of Heavy Tactical Vehicles	427,000
Armored Security Vehicles	1,500
Truck, Tractor, Line Haul, M915/M916	4,600
HMMWV Recapitalization Program	140,000
Modification of In-Service Equipment	184,800
Items Less Than $5.0 Million (Tactical Vehicles)	8,000
Defense Enterprise Wideband Satellite Communications Systems	19,000
Satellite Terminal, Enhanced Manpack UHF Terminal (Space)	3,400
Navstar Global Positioning System (Space)	3,200
Army Global Command and Control System	3,000
Information System Security Program	21,600
Digital Topographic Support System (MIP)	12,000
Counterintelligence/Human Intelligence Information Management System (MIP)	2,400
Night Vision Devices	45,000
Night Vision, Thermal Weapon Sight	11,000
Fire Support Command and Control (C2) Family	7,000
Knight Family—Procure 29 M1200 Knight Vehicles	50,000
Chemical, Biological, Radiological, and Nuclear Soldier Protection	54,300
Rapid Equipping Soldier Support Systems including Warlock	400,000
Total, Other Procurement, Army	2,027,800
Aircraft Procurement, Navy:	
H–53 Series—Re-activate 1 CH–53 Helicopter	2,600
EP–3 Series—Special Mission Avionics,	9,000
P–3 Series—Special Missions Equipment	2,400
Common ECM Equipment—Generation II Missile Warning Systems	34,500
Total, Aircraft Procurement, Navy	48,500
Procurement of Ammunition, Navy & Marine Corps:	
Joint Direct Attack Munition	5,000
Air Expendable Countermeasures	6,625
Other Ship Gun Ammunition	43
Small Arms and Landing Party Ammunition	32,929
Pyrotechnic and Demolition	64
Small Arms Ammunition	27,645
Linear Charges, All Types	3,875
40MM, All Types	23,096
60MM, All Types	30,252
81 MM, All Types	35,000
120MM, All Types	59,020
Cartridge 25MM, All Types	670
Grenades, All Types	9,385
Rockets, All Types	8,273
Artillery, All Types	51,033
Demolition Munitions, All Types	3,539
Fuze, All Types	880
Non Lethals	5,616
Ammo Modernization	2,000
Total, Procurement of Ammunition, Navy & Marine Corps	304,945
Other Procurement, Navy:	
Air Station Support Equipment—Air Traffic Control Equipment	6,111
Aviation Life Support—Body Armor and Survival Gear	750
Explosive Ordnance Disposal Equipment:	
Unmanned Aerial Systems	37,000
Man Transportable Robotic System	1,400
Mounted CREW Systems	35,400
Physical Security Vehicles—Light Armored Vehicles	900
Medical Support Equipment	820
Physical Security Equipment:	
Body Armor	3,100
Weapons of Mass Destruction Detectors	6,000
Total, Other Procurement, Navy	91,481
Procurement, Marine Corps:	
Light Armored Vehicles:	
Light Armored Vehicles	12,500
Light Armored Vehicles Product Improvement Program	23,000
Light Armored Vehicles Restoration and Modernization	33,600
Modification Kits—Multipurpose Tank Blade	2,200
Modification Kits—Tactical Concealed Video System	400
Marine Air Command Control System	29,000
Intelligence Support Equipment—Angel Fire Sensor Package	8,000
Motor Transport Modifications—Medium Tactical Vehicle Replacement Armor	60,000
Power Equipment Assorted—Engineer Equipment	15,000
Explosive Ordnance Disposal Systems—CREW	172,800
Physical Security Equipment—Ground-Based Operational Surveillance System	340,000
Field Medical Equipment—Family of Field Medical Equipment	6,750

Total, Procurement, Marine Corps	703,250
Aircraft Procurement, Air Force:	
F–15—ARC–210 Beyond Line of Sight/Secure Line of Sight Radios	39,700
C–5—Aircraft Defensive Systems (12 Kits for C–5A's)	11,700
Total, Aircraft Procurement, Air Force	51,400
Other Procurement, Air Force:	
Halvorsen Loader	7,500
Items Less Than $5 Million (Vehicles)—Counter Sniper Protection Kit	1,625
General Information Technology—Blue Force Trackers	2,500
Air Force Physical Security System—CROWS and BDOC–T	8,500
Tactical C–E Equipment—ROVER	8,100
Night Vision Goggles	2,500
Total, Other Procurement, Air Force	30,725
Procurement, Defense-Wide:	
Defense Information Systems Network	8,700
MH–47 Service Life Extension Program	34,400
C–130 Modifications	11,000
SOF Ordnance Replenishment	32,759
SOF Ordnance Acquisition	39,600
SOF Intelligence Systems	44,346
Small Arms and Weapons	29,587
Tactical Vehicles	16,458
Unmanned Vehicles	23,500
SOF Operational Enhancements	34,393
Total, Procurement, Defense-Wide	274,743
Total, Procurement	6,059,889
TITLE IV—REVOLVING AND MANAGEMENT FUNDS	
Defense Working Capital Funds:	
Defense Working Capital Fund—Army:	
Army Preposition Stocks	586,900
Spares Augmentation—Combat Losses	63,000
Spares Augmentation—Demand Increase	70,000
Defense Working Capital Fund—Defense-Wide:	
Fuel Transportation	96,000
Fuel Cost Increase	140,700
Combat Fuel Losses	43,400
Total, Defense working Capital Funds	1,000,000
TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS	
Defense Health Program:	
Operations	461,101
Wounded Warrior, Enhanced Soldier and Family Support	114,600
Total, Defense Health Program	575,701
Drug Interdiction and Counter-Drug Activities	192,601
Total, Other Department of Defense Programs	768,302
TITLE VI—GENERAL PROVISIONS	
Special Transfer Authority (Sec 603)	[4,000,000]
Total, Department of Defense	70,000,000

Mr. MCCONNELL. Mr. President, is there more time on this side?

The PRESIDING OFFICER. There is 7 minutes 5 seconds.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan has 7 minutes.

Mr. LEVIN. I intend to yield back all that time but 30 seconds. I cannot believe the President of the United States is going to veto a bill providing this additional funding for the troops because the Senate, in a nonbinding resolution, expresses its belief that we ought to have a nonbinding timetable for the reduction of our troops by the end of the year. If the President has said that, I have not seen it. I can't believe he would so try to squelch the Senate from expressing a nonbinding opinion.

I yield back the remainder of my time.

Mr. MCCONNELL. Mr. President, the President will veto the bill if the Levin amendment is approved. The McConnell amendment must be approved in order to get a Presidential signature.

Is there time remaining on this side?

The PRESIDING OFFICER. There is 6 minutes remaining.

Mr. MCCONNELL. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the Levin amendment No. 3876.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 438 Leg.]

YEAS—50

Akaka	Brown	Casey
Baucus	Byrd	Collins
Bayh	Cantwell	Conrad
Bingaman	Cardin	Dole
Boxer	Carper	Dorgan
Durbin	Levin	Salazar
Hagel	Lincoln	Sanders
Harkin	McCaskill	Schumer
Inouye	Menendez	Smith
Johnson	Mikulski	Snowe
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Tester
Klobuchar	Nelson (NE)	Voinovich
Kohl	Pryor	Webb
Landrieu	Reed	Whitehouse
Lautenberg	Reid	Wyden
Leahy	Rockefeller	

NAYS—45

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Barrasso	Domenici	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Feingold	Murkowski
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lieberman	Warner

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. Under the previous order requiring 60 votes, the amendment is withdrawn.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 70, nays 25, as follows:

[Rollcall Vote No. 439 Leg.]

YEAS—70

Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Nelson (FL)
Bayh	Graham	Nelson (NE)
Bennett	Grassley	Pryor
Bond	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Sessions
Carper	Inhofe	Shelby
Casey	Inouye	Snowe
Chambliss	Isakson	Specter
Coburn	Johnson	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	
DeMint	McCain	

NAYS—25

Bingaman	Kennedy	Reid
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Byrd	Kohl	Smith
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Whitehouse
Durbin	Menendez	Wyden
Feingold	Murray	
Harkin	Reed	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of the motion, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, we have just a few matters left. We have a vote on AMT. This is a vote we have had before. Senator BAUCUS, the Finance chair, will talk about it when we get to it in a few minutes. It is an issue on which I agree with the House. I think we should have paid for it. We have had this vote several times before—at least once before. We have tried different ways of getting the matter before the Senate.

We have an agreement in the order entered earlier today that we are going to vote on whether AMT should be paid for. Senator BAUCUS will speak on that.

AMENDMENT NO. 3877

Mr. REID. Mr. President, it is my understanding there is a motion to concur at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment No. 1 to the Senate amendment to H.R. 2764, with an amendment numbered 3877.

(The amendment is printed in Today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. REID. Mr. President, we have a vote on this, and we have a vote on whether we will concur with the House on a matter that we have changed and sent back to them. Then I am going to speak with the chairman of the Judiciary Committee. Under the order entered several days ago, we have a judge who is on the calendar. I will talk with the distinguished manager of this bill and the chairman of the Judiciary Committee to find out if we are going to have a recorded vote.

My point is that people should not run off after the second vote. There may be three votes tonight.

The PRESIDING OFFICER. Who yields time?

The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the next vote is on AMT, paid for. We have had this vote several times. It requires 60 votes. I personally believe that the AMT relief we will be providing for here, so the taxpayers will not have to pay additional AMT for 2007, should be paid for. I don't think the votes are here. There are not 60 votes to pay for it. But once this goes down because it doesn't have 60 votes, it is then my expectation that the House will then vote for AMT not paid for so that we can get AMT passed this year. Americans will know they will not have to pay the additional AMT tax, done in a way that is satisfactory.

There is an hour allocated on this amendment, a half hour each side. Mr. President, I don't plan to take many more minutes than I have already consumed. I expect the other side will not either.

I will reserve the remainder of my time, with the expectation that I will yield back the remainder of my time. For now, I will reserve my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume. I haven't had a request on this side for many people to speak. I think I will speak for 9 or 10 minutes on my side. If people want time, I will be glad to yield time.

When we were debating the Tax Relief Act of 2005, the other side forced a series of debates on the same subject matter. We had the same debate three times, and it culminated on Groundhog Day, February 2, 2006. Despite numerous votes and debates in each round, we went through essentially the same debate and vote not once or twice but three times.

I have two charts that will remind folks of that exercise.

My first chart depicts a groundhog. For those of you who see the groundhog, you will recall that the centerpiece of that debate involved the alternative minimum tax patch. During the first groundhog debate, the bipartisan majority had to prove that we meant business on the cornerstone of that bill, which was the last AMT patch that was enacted. I am referring to the AMT patch that protected then about 15 million families, and now we are talking about protecting about 23 million families.

The bipartisan majority, I am pleased to remind everybody, stuck to our guns in conference on that bill. We made sure the AMT patch was one of the cornerstones of the conference agreement. So despite the extended debate, what we said would happen did happen.

Now, the next Groundhog Day is February 2, 2008. That is just 45 days from now. That may seem like a long time, but given recent history, I am worried. Here is why.

About 47 days ago, the two tax-writing committee chairmen, Congressman RANGEL and Senator BAUCUS, and the ranking members, Congressman MCCRERY, and this Senator, wrote Secretary Paulson and acting IRS Commissioner Stiff and pledged to get an AMT patch bill to the President before the end of the year. We wrote the letter for a couple of reasons. The first reason is to spare 23 million middle-income families from an average tax increase of $2,000 per family. As everyone now agrees, this monster tax was not meant to hit 23 million middle-income families. The second reason was to assure the Secretary of the Treasury and the IRS Commissioner that we would do everything possible to minimize delays in refunds for another 27 million families and individuals, on top of the 23 million who would be hit for the first time.

After pledging to get mutually agreeable AMT patch legislation to the President in a form he could sign—that is what the letter was about—we are instead now engaged in this Groundhog Day type of exercise. We are essentially having the same debate, and we will go through the same votes the Senate went through just a couple of weeks ago. In other words, the floor debate tonight illustrates my worry that we are repeating the Groundhog Day exercise.

I ask unanimous consent to have printed in the RECORD a copy of that letter by the two chairmen and ranking members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 2007.

Ms. LINDA E. STIFF,
Acting Commissioner, Internal Revenue Service, Washington, DC.

DEAR ACTING COMMISSIONER STIFF: Under present law, more than 23 million taxpayers will be subject to higher taxes in 2007 unless legislation is enacted to limit the reach of the Alternative Minimum Tax (AMT). We realize that this fact is causing concern for many taxpayers and is creating administrative difficulties for the IRS as the agency prepares for the upcoming filing season.

As the leaders of the Congressional tax-writing committees, we want to assure you that legislative relief is forthcoming so that no new taxpayers will be subject to the AMT for taxable year 2007. To accomplish this, we are committed to extending and indexing the 2006 AMT patch with the goal of ensuring that not one additional taxpayer faces higher taxes in 2007 due to the onerous AMT. In addition to allowing the personal credits against the AMT, the exemption amount for 2007 will be set at $44,350 for individuals and $66,250 for married taxpayers filing jointly.

We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year. We urge the Internal Revenue Service to take all steps necessary to plan for changes that would be made by the legislation.

Thank you for your immediate attention to this matter.

Sincerely yours,

MAX BAUCUS,
Chairman, Committee on Finance.
CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance.
CHARLES B. RANGEL,
Chairman, Committee on Ways and Means.
JIM MCCRERY,
Ranking Member, Committee on Ways and Means.

Mr. GRASSLEY. So we are not quite there yet, but the way we are going, we

might not get this year's AMT patch done until the next Groundhog Day.

Let me bring up another chart to expand on this point. I have next to me the portrait of Punxsutawney Phil, that famous groundhog. In thinking of Phil and the weather report he will provide in 45 days, I also thought about the popular film entitled ''Groundhog Day.'' That movie stars Bill Murray, in which a man relives the same day—Groundhog Day—over and over and over. This film has taken on greater significance for me as I seem to be in a very similar situation. More than just a sense of the deja vu, I feel I am reliving a past experience.

We are going through the same debate we had a couple of weeks ago. We are on a different bill and the amendment has different offsets. Yet I seem to remember already having this debate.

So, Mr. President, instead of taking the next steps and focusing on what we said we would do in the letter and finding a mutually agreeable—those are words from the letter—resolution to the AMT patch, the House Democratic leadership is insisting that the Senate repeat the same debate and vote of just last week.

At 5:01 p.m., on Tuesday, December 4, 2007, we took up H.R. 3996, with the title ''Temporary Tax Relief Act of 2007.'' For several hours on Tuesday, Wednesday, and into Thursday, we debated the bill. The final vote on final passage came at 7:25 p.m., Thursday evening, December 6.

According to the Secretary of the Senate, 93 of us were here for that vote. So I must not be the only one reliving this experience.

I ask unanimous consent to have printed in the RECORD the results of that final vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 415 Leg.]

YEAS—88

Akaka	Dole	Lugar
Alexander	Domenici	Martinez
Allard	Durbin	McCaskill
Barrasso	Enzi	McConnell
Baucus	Feinstein	Menendez
Bayh	Graham	Mikulski
Bennett	Grassley	Murkowski
Bingaman	Gregg	Murray
Bond	Hagel	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Pryor
Brownback	Hutchison	Reed
Bunning	Inhofe	Reid
Burr	Inouye	Roberts
Byrd	Isakson	Rockefeller
Cantwell	Johnson	Salazar
Cardin	Kennedy	Sanders
Casey	Kerry	Schumer
Chambliss	Klobuchar	Sessions
Coburn	Kohl	Shelby
Cochran	Kyl	Smith
Coleman	Landrieu	Snowe
Collins	Lautenberg	Specter
Corker	Leahy	Stabenow
Cornyn	Levin	Stevens
Craig	Lieberman	Sununu
Crapo	Lincoln	Tester
DeMint	Lott	Thune
Vitter	Webb	
Warner	Wyden	

NAYS—5

Carper	Dorgan	Whitehouse
Conrad	Feingold	

NOT VOTING—7

Biden	Ensign	Voinovich
Clinton	McCain	
Dodd	Obama	

Majority ½ Required

Vote date: 12/06/2007, 6:23:00 p.m., Business Type: L.

Result Code: 1 (Bill Passed).

Vote title: H.R. 3996 as Amended.

Mr. GRASSLEY. Mr. President, as we consider the Senate amendment to the omnibus bill, I have to ask: Why are we still here? I have to ask: Didn't we already go through this exercise? I have to ask: Aren't we finished with the Senate debate?

In the face of the urgent need to enact an AMT patch, does the House Democratic leadership want the Senate to reenact recent debates and resuscitate old talking points? Our un-offset AMT patch already passed with the support of 88 Senators.

While I believe this legislation is extremely important and we will debate it for as long as is necessary, I question the necessity of going through a process that resulted in overwhelming bipartisan passage of the same bill 2 weeks ago.

That is my first point. This is, in fact, a curious exercise. It is an exercise with no apparent purpose other than delay. Is the delay on the part of the House Democratic leadership important? Why doesn't the House send the amended House bill which cleared this Chamber by a vote of 88 to 5 to the President of the United States for signature? Because President Bush will sign it. That bill does meet—again the words from the letter of the chairman of the committee—that bill does meet the mutually agreeable criteria of the tax writers' letter. The amendment before us, just as the prior House vote, does not meet the mutually agreeable criteria that was in that letter.

Nearly all House and Senate Republicans have a problem with this amendment and its predecessor that failed in the Senate. The problem is not necessarily with the offsets themselves. Some of them might be acceptable tax policy to this Senator and others on our side. The debate and resistance on our side rests with a bigger principle. It is about accepting the notion that the unintended reach of the AMT should be permitted unless we find offsetting revenue from other taxpayers; in other words, other taxpayers being taxed to offset revenue from middle-income taxpayers who were never supposed to pay this tax in the first place. It is the use of the AMT then as an open-ended revenue-generating machine that creates problems on the Republican side of the aisle.

I am going to point to another chart to illustrate this debate. This is a chart of a very fine horse, a horse named Trigger and his rider Roy Rogers. Trigger is a fine horse, but he is dead. He is very dead. Trigger is so dead that he is stuffed and resides in a museum. This debate is the practice of beating a dead horse. It would be like tourists taking swipes at Trigger as they go through the museum. Everyone knows beating a dead horse is a waste of time, but that is what we are doing. We need to stop beating a dead horse. We need to show our good friends in the House Democratic leadership that they need to stop reviving a dead horse of an offset AMT patch. It is a dead horse. Let's stop beating it. Vote against this amendment.

After this exercise is done, then I urge my friends in the House leadership to pass the un-offset AMT patch bill we sent them several days ago, that very same bill that passed this body 88 to 5.

Think, will you, on the other side of the Capitol, think of the 23 million families that will face a tax increase of $2,000 per family if we don't get this bill to the President. Think of the 27 million families and individuals that will face even longer delays in getting their refunds next year if we don't get this bill passed, or even if we do get this bill passed, it is going to be delayed. Think of these hard-working taxpayers. Stop beating a dead horse and let's get the people's business done.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota has some comments about not beating a dead horse. I now yield 7 minutes to the Senator from North Dakota.

I might say, we should not beat a dead horse, that is clear, but also we should not look a gift horse in the mouth. We have an opportunity to resolve this and get it done. I urge us to vote quickly so we can dispose of this matter so the American taxpayers get their AMT relief very quickly.

I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman.

I say to the Senator from Iowa when he tells us that we should stop beating a dead horse, the picture he used shows that Trigger rides again. That wasn't a dead horse. That horse is alive, and as well it should be, because the underlying question is whether we pay for anything in this Chamber or do we borrow the money? When we borrow the money, do we borrow it from the Chinese and the Japanese, or do we start paying our bills right here at home? That is the issue before the Chamber. It is not a question of a dead horse or a live horse. It is a fundamental question of whether we pay our bills or put it on the charge card.

The issue before us is very simple. If we do not offset the alternative minimum tax or alter it in some way, it will hit 23 million American families, up from some 4.2 million this last year.

The bill before us says, yes, adjust the alternative minimum tax so more

people are not hit by it, but it also says something very important. It says pay for it; don't go out and borrow the money, don't go out and borrow billions more from China and Japan.

The House has it right. We ought to pay for it. Certainly it makes no sense to let the alternative minimum tax sweep up millions more people, but it also makes no sense to fail to pay for it. That is not just my view; that is also the view of the former chairman of the Federal Reserve who said on ABC's weekend program in response to a question from George Stephanopoulos, the question was put to the chairman:

So when the Congress this week . . . fixes this patch in the alternative minimum tax . . . and doesn't pay for the increase in the deficit, that is something you're against?

Mr. Greenspan:

Yes.

No qualifications, a simple clear statement in support of paying for fixing the alternative minimum tax.

Why is paying for it so important? Because if we fail to do so, we put it on the debt, and already the debt has skyrocketed under this administration, from $5.8 trillion in 2001 to, at the end of the fiscal year that just ended, a debt of $8.9 trillion.

Future generations will look back on this one. Perhaps they will be amused by the debate tonight. They will not be amused by the debt we leave them. This generation will not be known as the greatest generation. This generation will be known as a greedy generation, a self-oriented generation, one that was not responsible with the people's money.

Some of my colleagues claim we never intended to raise this money, that it was no part of any budget, that it was not part of any revenue projection. I beg to differ. As chairman of the Senate Budget Committee, I can tell you that these revenues have been in every budget written by this President, and written by the Congress, whether controlled by the Republicans or the Democrats. The only way any of these budgets have balanced was to assume this revenue which is the law of the land would either be collected or would be offset, would be paid for.

This chart shows the revenue assumptions in the Bush budget. We find alternative minimum tax revenue assumed for each and every year of the 5 years of this budget.

I won't belabor the point. This is a question of whether we are going to be responsible. This is an opportunity to fix the alternative minimum tax, to prevent it from being spread to 23 million American families, but to do it in the responsible way: to offset it with other revenue so it does not get added to the deficit, so it does not get added to the debt, so we are not compelled to borrow even more billions from the Japanese and the Chinese and around the world.

I hope my colleagues will vote ''aye'' and demonstrate their fiscal responsibility tonight.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. BROWN. Mr. President, yes, we have been here before. I hear the Senator from Iowa, whom I greatly respect, say we have been here before and have done this over and over. In the last 2 hours, we have made the same mistake, or about to make the same mistake, that we have made in the last 6 years. About 7 groundhog days ago, if you will, we went from a budget surplus to huge budget deficits, as Senator CONRAD pointed out. Do you know why? Because we are in the middle of a war that Senator BYRD spoke so eloquently against time and again on this Senate floor, a war that has cost us $500 billion and counting, and we have done tax cuts over and over. Every groundhog day we do another tax cut.

So tonight, in the space of 2 hours, we are going to encapsulate that in one evening. We did $70 billion for a war nobody is willing to pay for. Let our grandchildren pay for that one. And then we are doing more tax cuts, hundreds of billions of dollars we are not paying for, so let our grandchildren take care of it.

We have been here before, and it is about time we vote ''yes'' on this and do the right thing, so instead of these going from a budget surplus 7 groundhog days to hundreds of billions of dollars in budget deficits, instead we have an opportunity, as Senator CONRAD said, to do the right thing to begin to pay for things as we go so that our grandchildren will not continue to be burdened with our profligacy and our irresponsibility.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, if the other side is ready to yield back their time, I will yield back our time, but I want to find out if they are interested in doing that.

Mr. BAUCUS. I yield back our time.

Mr. GRASSLEY. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 440 Leg.]

YEAS—48

Akaka	Inouye	Nelson (FL)
Baucus	Johnson	Nelson (NE)
Bayh	Kennedy	Pryor
Bingaman	Kerry	Reed
Boxer	Klobuchar	Reid
Brown	Kohl	Rockefeller
Byrd	Landrieu	Salazar
Cantwell	Lautenberg	Sanders
Cardin	Leahy	Schumer
Carper	Levin	Snowe
Casey	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dorgan	McCaskill	Voinovich
Durbin	Menendez	Webb
Feingold	Mikulski	Whitehouse
Harkin	Murray	Wyden

NAYS—46

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Specter
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Inhofe	Vitter
Corker	Isakson	Warner
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Feinstein	Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, I move to concur in the House amendment.

Mr. President, there is a proverb from the Book of Matthew that says: ''For where your treasure is, there your heart will be also.''

In the past few weeks, as we have put together the budget that is now before us, Democrats have sought to put our hearts and our treasure where the American people need them most.

President Bush and his Republican allies in Congress have been determined from the start to stand in our way.

The President picked a top line budget number out of thin air and said he would veto any bill that invested another dime above this total in the needs of the American people—no matter how many children, students, working families veterans or senior citizens would be harmed.

This from the President who inherited record surpluses when he took office and turned them into record deficits.

This from the President who has spent nearly $500 billion—all of it borrowed—to fight a war of choice in Iraq, while ignoring the desperate needs that we face here at home.

And this from congressional Republicans who have rubber-stamped his every irresponsible, wasteful, reckless choice.

But now, this year, this President and these Bush-Cheney Republicans

claim—after years leading our country down a path of fiscal ruin—they have been baptized into the church of fiscal responsibility.

Under this false pretense, they went about to prevent us from presenting appropriations bills that help America's working families.

With the power of the President's veto and a core group of congressional Republicans willing to back it up, this fight has not been easy. That is an understatement.

Nevertheless, in the past few weeks, we have worked within the President's arbitrary top line to make it clear to the American people where our hearts and our fiscal priorities lie.

Every victory in the appropriations bills now before us—every benefit to working families, every investment in our Nation's future—we have had to fight for, tooth and nail.

Bush-Cheney Republicans turned their backs on medical science in this budget.

They tried to cut 800 grants for medical research at the National Institutes of Health—programs that would help find cures for dread diseases.

Our Democratic priorities are different.

We want to spread hope—real scientific hope—that those who suffer from Alzheimer's, cancer, Parkinson's and diabetes and other maladies will see a brighter, healthier day.

So we restored the Bush-Cheney Republican cuts to the NIH and invested more than $600 million in medical research.

We refused to back down and we won that fight.

The Bush-Cheney Republican budget would have slashed access to health care by $600 million—leaving many of the most vulnerable Americans with nowhere to turn.

But our Democratic priorities are different.

We believe in helping the little girl with asthma, for whom the emergency room is a revolving door because her parents can't afford a doctor; or the uninsured laborer who gets injured on the job; or the senior citizen who suffers from arthritis.

We gave these Americans a better chance to live healthy lives—with $1 billion above the President's request for programs like community health centers, high risk insurance pools and rural hospitals—programs on which hundreds of thousands of low-income Americans rely.

We refused to back down on America's health care needs, and we won that fight.

If the Bush-Cheney Republicans got their way, this budget would have stripped $1.2 billion from education, eliminated major student aid programs and cut vocational education by 50 percent.

But Democrats have different priorities here, too.

We believe that education is the great equalizer in America, and that every American child deserves the right to a quality education and the keys to a better future.

We backed that commitment with major investments in Title 1, special education, teacher quality grants, after school programs, Head Start, student aid grants and technical training—all above the Bush-Cheney Republican request.

Democrats refused to back down and let Republicans rob children of the chance to succeed, and we won that fight.

Bush-Cheney Republicans talk tough on law enforcement, but when it came time to actually give our State and local law enforcement the tools they need to keep us safe, Bush-Cheney Republicans said no.

Their budget cut law enforcement funds by $1.4 billion at the Department of Justice.

Once again, Democrats' priorities are different. We invested $1.2 billion more than the President's request to help our police fight crime.

We refused to back down from our commitment to safer neighborhoods, and we won that fight.

Bush-Cheney Republicans try hard to scare us with the threat of terrorism. Did their budget match their rhetoric? No.

They cut more than $1 billion in homeland security grants for police, firefighters and medical personnel.

What are our priorities? Democrats increased our commitment to fighting terrorism by nearly $2 billion.

We refused to believe that at a time we are spending $12 billion a month in Iraq and Afghanistan, we couldn't spend an additional $2 billion per year to fight terrorism in America.

We won that fight, too, and America will be safer because of it.

The same year when the Minneapolis bridge collapse tragically reminded us that our roads, bridges and tunnels are crumbling, Bush-Cheney Republicans tried to strip critical infrastructure projects from the budget.

Democrats refused to stand by while the President spends billions to build roads in Iraq, but tells us we can't do anything about our roads in America.

We can do something and we did. We refused to back down and we won the fight for American infrastructure.

When it came time to choose between energy independence and big oil, between a clean environment and the special interests, the Bush-Cheney Republicans chose the special interests.

Our priorities are consumers who are spending more than ever to pay for gas for their cars and heat for their homes.

We take the side of cleaner air and renewable fuels by investing in solar energy, wind energy, biofuels and energy efficiency.

We stood up to Bush-Cheney Republicans, who once again turned their backs on science and cozied up to the major polluters.

We won that fight, and America will be safer and cleaner because we did.

I am so grateful for my Democratic colleagues in the House and Senate.

We have faced a level of arbitrary stubbornness from President Bush and his congressional allies that no Congress has ever faced before.

We turned a horrible budget into a budget that does some good, important things.

And we did it responsibly: without raising taxes or adding anything to President Bush's epic pile of debt.

Our country owes enormous gratitude to the senior Senator from West Virginia, Chairman ROBERT BYRD, for his leadership on this budget.

Chairman OBEY also did a tremendous job on this legislation.

I would also like to acknowledge the work of Senator COCHRAN, who worked with Senator BYRD and others to move this bill through committee and to the floor.

This budget includes funds to help prevent Western wildfires and better fight the ones that do occur.

It includes vital education funding for Nevada's universities.

It invests in Nevada's renewable energy.

It provides funds for vital Nevada water projects.

And it honors our troops and veterans with more than $340 million for the southern Nevada veteran's hospital.

But let me be clear: this compromise budget could have been much, much better if not for Bush-Cheney Republicans' double standard on fiscal responsibility.

They chose to enforce an arbitrary topline on America's priorities—even as they continue to borrow billions to fund the endless war in Iraq, to support corporate cronyism, and to look the other way on global warming and pollution.

Because Republicans have made these choices, the American people will have to keep waiting for the kind of budget they deserve.

But because Democrats refused to back down, this budget is a step forward.

The American people deserve to know that Democrats will keep taking step after step after step to set the right priorities and make the progress that our country so desperately needs.

Mr. President, as things now stand, we have about 20 minutes of talking on the Republican side and we have Senator BYRD, who has less than 10 minutes on our side. Those are the only speeches I know of.

Mr. LEAHY. Mr. President, I am going to require 5 minutes.

Mr. REID. That is what I was starting to say. On our side, we have Senator BYRD plus the manager of the bill, Senator LEAHY.

Following that, there is going to be a vote on a judge. I don't know how much time Senator LEAHY and Senator SPECTER want on the judge, but whatever time they want, they can have it. But we will have a vote on the judge.

Tonight, when these speeches are finished, we will have one final vote, a vote on the judge. We are going to be in session tomorrow. There will be no rollcall votes after 9, unless something untoward happens that Senator MCCONNELL and I do not expect. So we will be in session if somebody wants to come in and give some speeches. We have some nominations we are trying to clear, maybe some bills from the House. I do not expect any heavy lifting tomorrow, at least I hope not.

I wish to express my appreciation to everyone for their cooperation in getting to the point where we are. As some have heard me say before, usually you recognize you have something that is OK when both negotiators are unhappy with what they have gotten. That is what we have. We are not happy with how we have been pushed into doing what we have done. The President is not happy, as his people say he has been pushed into doing things he didn't want to do. We are where we are. We are going to be able to finish our appropriations process, and we should all hold our heads high in that regard.

Again, I wish everyone a very merry Christmas, a happy New Year, and look forward to a productive year next year, the last of the 110th Congress.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, it has been a challenging year for the Senate Appropriations Committee. When the 110th Congress convened in January 2007, only two of the annual appropriations bills had been enacted. Working with the chairman of the House Appropriations Committee, Mr. DAVID OBEY, Senator COCHRAN, and Representative LEWIS, we immediately began work on a joint funding resolution to fund the Federal Government.

We focused on funding a short list of priorities, such as adding $3.6 billion for VA medical care; $1.6 billion for State and local law enforcement; $620 million for the National Institutes of Health; and $1.4 billion to fight AIDS and malaria in the developing world. That joint funding resolution was passed by the House and the Senate and signed into law by the President on February 15, 2007.

Almost immediately, the committee was called back into action to tackle a bill to make emergency appropriations for the wars in Iraq and Afghanistan. The committee produced a prudent and responsible bill that required a new course for the war in Iraq. The bill set a goal for having most of our troops out of Iraq by January 1, 2008. Had the President signed that bill, most of our troops would already be home preparing to celebrate the new year.

Unfortunately, the President found that the bill did not support his ''stay the course'' policies and vetoed that bill on May 1, 2007. The Appropriations Committee produced another bill, totaling $120 billion, unfortunately this time stripped of the important guidance on the future of the war. That bill was again passed by the House and Senate, and this time the President signed it into law on May 25, 2007.

The committee then began its annual work of producing the regular appropriations bills. I am proud to say that the committee reported 12 individual appropriations bills, many of which were reported by unanimous, bipartisan votes. The bills that were considered on the floor of the Senate received broad, bipartisan support, and each received the affirmative vote of more than 75 Senators. And finally, the, committee—working on a bipartisan, bicameral basis—produced the complex legislation, which is now before the Senate.

My reason for detailing the work of the Appropriations Committee this year is simple: I wish to convey my personal appreciation for all of the work and cooperation of the committee's ranking member, Senator COCHRAN, who has time and again used his skill and experience to bring credit upon himself, the committee, and the Senate as a whole.

I also wish to commend the chairmen and ranking members of each of the 12 subcommittees. It is through their knowledge and leadership that the committee is able to craft the individual appropriations bills. It is to their great credit that the committee was able to rise to the many challenges presented this year.

I wish to express my gratitude to the staff of the Appropriations Committee. They are dedicated public servants: professional, expert, and diligent. The committee is extremely fortunate to have their services, and I thank them for all the many hours they have devoted to performing their duties.

And finally, I send to my colleague, Senator COCHRAN, each member of the Appropriations Committee, and all of the staff, my warmest wishes for a safe and joyous Christmas in the spirit of the old-Time Christmases and a very happy New Year.

Mr. DOMENICI. Mr. President, I do not know where the time is. I do not to want to interfere. I want 2 minutes before they are finished. Thank you.

Mr. LEAHY. Mr. President, what is the parliamentary situation on time?

The PRESIDING OFFICER. There is 50 minutes remaining on the majority side and 1 hour on the minority side.

Mr. LEAHY. Mr. President, I see the Senator from Georgia rising. Do you wish to speak?

Mr. CHAMBLISS. Yes, I do have a statement I want to make, followed by Senator ISAKSON.

Mr. LEAHY. If the Senator is willing to wait for a few minutes?

Mr. CHAMBLISS. Surely.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from West Virginia. In a few weeks, I will have served with him for 33 years. Now, in ROBERT C. BYRD time, 33 years is but a moment. In PATRICK J. LEAHY's time, it is a wee bit of time. But I remember coming here as a 34-year-old Senator—Senator BYRD was the majority whip at the time—and how much he taught me, and his colleague, the leader, Mike Mansfield, and then later when he was our leader, and, of course, sat on Appropriations. He has been my leader for all of those years. I appreciate his help.

His late wife Erma was a very special friend of my wife's and mine, and I hope he does not mind me mentioning her at this time. I always thought when she and my wife Marcelle would meet at the grocery store that perhaps BOB and I were at a lower level. It went to a higher level when it was not Senator BYRD and Senator LEAHY. But it was Marcelle and Erma talking about BOB and PATRICK, and what should we do to take care of those folks. Well, ROBERT C. BYRD has taken care of all of us these years. It has been a privilege to serve on the Appropriations Committee with him. It is especially nice, because one of the closest friends I have in the Senate, THAD COCHRAN, has been both chairman and ranking member of that committee, and those of us who have been here for over a third of a century, as I have, know the majority and minority goes back and forth.

The thing that does not go back and forth is the friendships we have across the aisles. The distinguished Presiding Officer knows that his father and I were very close friends and served together. His mother and my wife were close friends. Those kinds of friendships go on through the years and through the decades.

We have spoken of the Senate as being a family. Indeed it is. It is probably a family that wants to go home and go to bed, so I will not push this much longer. But I think how important it is that we do have these chances to be together. So I applaud Senator BYRD, I applaud Senator COCHRAN, and their staffs.

Because this is the Foreign Operations Bill we are on, I want to mention my own staff: Tim Rieser, Kate Eltrich, Nikole Manatt, who handle the Appropriations subcommittee for me, and the various other matters they are involved in here; J.P. Dowd, my legislative director; Ed Pagano, my chief of staff; Bruce Cohen, who is always listed as one of the 50 most important people here in the Senate—I get listed as an asterisk—because of what he does to make sure the Judiciary matters are kept here; Jessica Berry and so many others who keep this thing going.

I said to Senator REID, our distinguished leader, we Senators are but mere constitutional impediments to our staffs. We know they are the ones who run it. Roscoe Jones of my staff was here, probably never heard me say that. He is trying desperately to keep a straight face, but it is a fact.

We have included within this money for DNA funding $4.8 million for the Kirk Bloodsworth post-conviction DNA testing grants, and $147 million for the Debbie Smith DNA backlog grants.

I am privileged to know both Kirk Bloodsworth and Debbie Smith.

Mr. LEAHY. Mr. President, I am pleased to note that we included funding in the appropriations package for landmark programs created by the Justice For All Act of 2004. Specifically, we provide $2.5 million for Capital Litigation Improvement Grants to improve the quality of legal representation in State capital cases, and over $152 million to improve Federal and State DNA collection and analysis systems critical to the prosecution of the guilty and the protection of the innocent from wrongful prosecution.

The Justice For All Act capped more than 4 years of effort by a bipartisan House and Senate coalition that included both supporters and opponents of the death penalty. It is the most significant step we have taken in many years to improve the quality of justice in this country and restore public confidence in the integrity of the American justice system.

That law increased Federal resources for combating crimes with DNA technology, established safeguards to prevent wrongful convictions and executions, and enhanced protections for victims of Federal crimes.

It authorized the Debbie Smith grant program to address the DNA backlog crisis in the Nation's crime labs, and created new grant programs to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons. It also established enhanced and enforceable rights for crime victims in the Federal criminal justice system.

The law also included legislation I authored called the Innocence Protection Act. That measure provides access to postconviction DNA testing in Federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases of wrongful conviction. It established the Kirk Bloodsworth PostConviction DNA Testing Program to help States defray the costs of postconviction DNA testing.

Getting the Justice For All Act fully-funded has proven to be tough, especially given the fiscal crunch that all criminal justice programs have faced in recent years. However, as a senior member of the Appropriations Subcommittee that sets the Justice Department budget, I have worked closely with CJS Chairwoman MIKULSKI and Ranking Member SHELBY to include in the omnibus package roughly $155 million to advance the comprehensive and far-reaching reforms in the criminal justice system established under the Justice For All Act. I thank my colleagues for their leadership in this area.

State and local authorities will be better able to implement and enforce crime victims' rights laws, including Federal victim and witness assistance programs. They can apply for grants to develop and implement victim notification systems so that they can share information on criminal proceedings in a timely and efficient manner.

The intent of the Justice For All Act was to create a fairer and more accurate system of justice for all Americans. The spending priorities set forth in the Justice Department portion of the fiscal year 2008 Omnibus appropriations package will help protect crime victims, maximize the use of forensic DNA evidence testing, and provide safeguards to prevent wrongful convictions and executions.

I note that this bill is the product of more than 9 months of work by the Senate and House Appropriations Committees. It meets the President's arbitrary budget ceiling, but because of the arbitrary ceiling, we have had to cut a number of things. Senator GREGG, Congresswoman LOWEY, Congressman WOLF, and I worked on that to agree to the numbers so that the foreign ops part is not a Democratic bill or a Republican bill, it is a bipartisan bill that attempts to address a myriad of foreign policy, national security, and domestic needs of this country.

Other subcommittees worked just as hard and in a similar bipartisan manner. None of us are completely happy with the outcome. We had to make exceedingly difficult cuts to get to the President's number. But that is the nature of this process.

It is ironic that a President who said he would veto this bill unless it was within his self-proclaimed budget ceiling because he wants to keep a lid on spending, is asking Congress for another $70 billion in emergency funding to continue the war in Iraq.

Those dollars do not score against the budget, so the White House can espouse the fiction that the President is being fiscally responsible at the same time that he piles on the debt for future generations.

Of course, he never threatened to veto any of the appropriations conference reports during the past 6 years.

It is a political ploy after inheriting a balanced budget and tripling the national debt, but it is going to be hard felt by the American people. Cuts in funding for education, health care, public infrastructure, homeland security, environmental protection, transportation—no part of the federal budget was exempted except defense.

The State and Foreign Operations portion of the bill is $2 billion below the President's budget. A full $1.3 billion of that cut was the result of the President's veto threat.

It means fewer children will receive vaccinations in the poorest countries, less money for international peacekeeping, less for HIV/AIDS prevention, care and treatment, less for non-proliferation and anti-terrorism programs, less for disaster relief, less for education, environment, energy and agriculture programs.

But, if the President gets his way, there will be tens of billions of dollars more to keep our troops bogged down in Iraq, while the Iraqi Sunnis and Shiites continue to fight among themselves.

Despite that, this omnibus bill is a far, far better outcome than continued spending at the fiscal year 2007 levels, and the dire consequences that would bring.

The State and Foreign Operations portion totals $35.1 billion in discretionary budget authority including $2.4 billion in emergency spending.

Without emergency spending, the bill totals $32.8 billion, which is $2 billion below the President's regular fiscal year 2008 request and $1.52 billion above the fiscal year 2007 level.

Here are some of the highlights:

We provide $6.5 billion for global health programs, including $345 million to combat malaria, $150 million for tuberculosis, and $5 billion for HIV/AIDS.

We provide $546 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. Added to funds in the Labor, Health and Human Services bill, this omnibus bill provides a total of $841 million for the Global Fund, an increase of $115 million above last year's level.

It includes $446 million for child and maternal health, which is almost $100 million above last year's level.

We provide $1.69 billion for United Nations peacekeeping, $550 of which will support the desperately needed UN-African Union force in Darfur.

The bill provides $1 billion to assist the world's refugees, and $100 million to help Jordan cope with the hundreds of thousands of Iraqi refugees that have flooded that country, which is already home to tens of thousands of Palestinians.

The bill provides the requested funds for Israel, Egypt, Pakistan, Afghanistan, the West Bank, Lebanon, and other needy countries.

It provides $1.54 billion for the Millennium Challenge Corporation, which is $344 million above the Senate-passed level.

It provides $501 million for Educational and Cultural Exchange Programs, an increase of $55 million above the fiscal year 2007 level.

The bill does not include the so-called Mexico City language concerning international family planning which would have led to a Presidential veto. It is regrettable that the President would rather score political points than support private organizations that would use our funds for voluntary family planning services.

The bill provides $968 million for embassy security, which is $190 million above the fiscal year 2007 level.

There are several other important provisions in the State and Foreign Operations portion of this omnibus bill.

One would make long overdue reforms to current law by allowing thousands of persecuted refugees, barred because they were members of armed groups that were allied with the U.S., or who were forced to offer food, shelter or other services to terrorist groups, to seek asylum here.

This change was worked out by myself and Senator KYL, and would provide relief to such Vietnam-era allies as the Hmong tribesman of Laos and the Montagnards of Vietnam, and for child soldiers and others who were forced against their will to provide support to terrorist groups.

These people were there for us when we needed them, and we should not turn our backs when they need the safety of our shores. It is an affront to our values and to our reputation as a safe haven for victims of persecution.

The changes we are making will also provide relief for Iraqi refugees, some of whom have been barred for paying ransom to secure the release of a family member who was kidnapped by insurgents.

This change will not raise the number of refugees admitted to the United States, but it will bring our laws back in line with our values.

This bill contains other provisions, some proposed by Democrats, some by Republicans, which make important improvements in our foreign assistance programs.

We provide $300 million for safe drinking water and sanitation programs, consistent with the Senator Paul Simon Water for the Poor Act.

There are funds set aside for reconciliation and people-to-people coexistence programs in the Middle East, as well as in other countries divided by ethnic, religious, or political conflict.

There are new provisions which address the problem of corruption and governance in countries that receive U.S. assistance.

There are new provisions to improve monitoring of U.S. military aid to countries that have human rights problems, and to address the problem of child soldiers.

Mr. President, these are only a few of the items supported by both Democrats and Republicans in this omnibus bill, and they are only within the State and Foreign Operations portion.

There are thousands of other important domestic programs funded by each of the other subcommittees whose bills make up this omnibus appropriations bill.

Lastly, I wish the American public realized how much Senators on both sides of the aisle work together. I wish the American public realized the number of friendships there are on both sides of the aisle, both among the Senators and their families. Are we going to pass a perfect bill here? No. Am I opposed to the blank check for Iraq? Yes.

We have been in Iraq longer than we were engaged in World War II. It is time to let our brave men and women come home to their families. I believe that from the bottom of my soul. The opposition I have to this bill is because of that.

I know how proud I was when my youngest son, LCpl Mark Patrick Leahy of the Marine Corps, was one to answer the call in Desert Storm, as much as I feared for his safety, and how pleased I was that war ended so quickly, that he was not in harm's way.

I also worry that that is not something parents can say when they see parents and wives and husbands, children and brothers and sisters when they see their family members in a war that has lasted longer than World War II. It is time to say: Come home, America. Come home, America, and face the problems in our country. Let the Iraqis now face their problems. Let them stand at the plate. Let us address the fact that we have so many unanswered problems in health and science, in addressing our myriad diseases, education, infrastructure, and everything else in this country.

One thing I must say is that is in this bill, Senator STEVENS and I changed the so-called WHTI provision in the omnibus. It shows some realities across the border into Canada and vice versa. There are those of us who think of Canada as that great country to the North. There are some of us who have family ties in Canada, some of us who feel that Canada is not a threat to the United States and we should not treat it as such.

Mr. President, one important issue I wish to highlight today is an international border issue with our friendly neighbors in Canada, Mexico, and the Caribbean that could have severe implications for the social and economic ways of life for communities all across our country.

In the wake of the September 11 terrorist attacks, Congress has enacted a number of new border security measures, all with the expressed goal of preventing another terrorist incident. In this bill, we have worked hard to provide the needed resources for these programs in a fair and balanced manner. Post 9/11, everyone recognizes that there are potential threats and security needs, but we must implement them sensibly and intelligently.

Over the past few years, I have heard from many Vermonters about problems they have encountered at U.S. border crossings, from long traffic backups to invasive searches and questioning to inadequate communication from Federal authorities about new facilities and procedures. Such a top-down approach does not work well in interwoven communities along the border, where people cross daily from one side to the other for jobs, shopping, and cultural events. We have hardened security around this Capitol and the White House and built fences near San Diego. But those procedures do not work on Canusa Avenue in Beebe Plain, a two-lane road where one side of the street is Vermont and the other side is Quebec, or at the Haskell Free Library and Opera House, which straddles the international border in Derby Line, Vermont, and Stanstead, Quebec.

That is why I am pleased that this bill includes a much-needed delay for full implementation of the so-called Western Hemisphere Travel Initiative, which will require individuals from the United States, Canada, Mexico, and the Caribbean to present passports or other documents proving citizenship before entering the United States. I was pleased to join with Senator STEVENS and many other colleagues from both bodies in pushing for inclusion of this important provision because it is clear that the Department of Homeland Security and the Department of State are not ready for a full rollout of the new passport checks next summer.

Muddled thinking, poor planning, and administrative hubris have plagued implementation of the Western Hemisphere Travel Initiative. The Department of Homeland Security has rushed to implement the new passport checks before the necessary technology, infrastructure and training are in place at our border stations. If these critical features of the deployment are not in place when the new program starts, we will see severe delays at our border and law-abiding citizens from the United States, Canada, Mexico, and the Caribbean will have great difficulty moving between our countries. Most importantly, a hasty implementation will undermine the intended goals of the program.

The massive backlogs in processing passport applications we saw earlier this year when the Departments of Homeland Security and State started to require passports for air travel is just a taste of the chaos that is likely when they start enforcing citizenship checks at our Nation's land and sea borders in January. There is another train wreck on the horizon if these Federal agencies continue pushing forward with full implementation of the Western Hemisphere Travel Initiative before the necessary policies and procedures are in place to handle the surge in applications and the lengthy border crossing delays that are sure to come.

I appreciate the recognition by this Congress that premature implementation will recklessly risk the travel plans of millions of Americans and the economies of scores of U.S. States and communities. The Departments of Homeland Security and State have shown that they need more time to establish a set of rules and procedures that will do more than just shut our borders down to legitimate travel and trade.

Mr. President, there is one item that was in the Senate passed version of H.R. 2764, the State and Foreign Operations Appropriations bill, that the conferees agreed to address in the explanatory statement accompanying the amended bill that is Division J of the omnibus bill, relating to Uganda.

That language directs the Secretary of State to submit a report within 90 days detailing a strategy for substantially enhancing United States efforts to resolve the conflict between the Lord's Resistance Army and the Government of Uganda. The language specifies certain issues to be addressed in the strategy. It also indicates that

$5 million is provided to implement the strategy.

Due to an oversight, the $5 million was omitted from the funding table in the explanatory statement under the Economic Support Fund heading. However, it is the intent of the conferees that this amount in unallocated Economic Support Fund assistance be made available for this purpose.

Mr. President, I yield the floor. I see the Senator from Georgia is about to speak.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I know many of my colleagues have become involved in issues in their States stemming from a shortage of water over the years. Sometimes these issues are intrastate, sometimes they are interstate. Regardless of the size or scope, they always get very complicated quickly.

The water wars between Georgia, Florida, and Alabama that have been going on for decades are no different in that regard. They too get very complicated very quickly. There are decades of negotiations, agreements, lawsuits and settlements, and the Governors of the three States are still attempting in good faith to come to a resolution. In fact, those three Governors met in Tallahassee, FL, yesterday, along with Secretary Kempthorne, to create a roadmap forward on this very complicated issue.

There is language included in this Omnibus appropriations bill that does not resolve the very complex problems that the three States continue to deal with, the allocation of water among them. Rather, the language in this bill seeks to, one, insert Congress into the middle of an ongoing dispute and attempts to pick winners and losers in that dispute; two, it attempts to limit the ability of the Corps of Engineers to provide complete and accurate technical data to make recommendations to the States involved in the dispute; and, three, prohibits the Corps of Engineers from completing the process of updating water control manuals, which they have begun to do on one basin, and which they are required to do by statute and their own regulations.

I object strongly to the language regarding this issue included in this bill. The Army Corps of Engineers operates a number of different reservoirs across river systems around the country. Normally they conduct their operations under a water control plan, which is a plan that identifies the objectives for managing the system; basically, the release and retention of water for different needs, such as navigation, water supply, hydropower production, recreation, as well as other needs.

The water control plan is the manual by which the Corps of Engineers manages the river systems, and they do so within the confines of water allocations set for each State.

Now water can be allocated among States in one of three ways: interstate water compacts, direct congressional appointments, or equitable apportionment by the Supreme Court of the United States.

Obviously, interstate water compacts are the preferred method for allocating water, because they allow the States, which are the most knowledgeable about their own water resources and needs for water, to do the apportioning. That is what the Governors of Georgia, Alabama, and Florida are currently trying to do.

The State of Georgia shares the Apalachicola-Chattahoochee-Flint River Basin with Alabama and Florida. Georgia also shares the Alabama-Coosa-Tallapoosa River Basin with Alabama. After 17 years of litigation, the Governors of these three States are finally at the negotiating table finding a way forward on this very difficult issue.

I commend them for doing so during these exacerbating drought conditions we are now experiencing. It is always harder to discuss sharing water when there is less of it to go around. So during this time of progress, it is mind boggling to see this language in the omnibus bill intended to block that progress. It is a blatant dilatory tactic. I am disappointed it is included in this bill. I am disappointed for several reasons.

First, this is not an issue into which Congress should be inserting itself. The Corps of Engineers is required by Federal statute and their own regulations to operate the reservoirs with up-to-date water control manuals. However, for the ACF basin, the only approved water manual was prepared in 1958 and does not even include the Federal facilities at West Point, Walter F. George, or George W. Andrews.

The process of updating the manuals has been on hold for almost 20 years as litigation between the States has been ongoing. However, last year, the U.S. District Court for the District of Columbia ordered that the Corps of Engineers proceed with its NEPA studies, which is the necessary first step in updating the water control manuals. The court ordered it be done as expeditiously as possible.

Apart from the fact that Congress should not be inserting itself in this issue, apart from the fact that everyone knows updated water control manuals are required by law, have been ordered by a Federal court and are beneficial to all parties, I am also disappointed to see this language because of the process by which it got into this bill.

This language was not in the House-passed version of the Energy and Water appropriations bill. And, in fact, the only instance in which the House has considered this issue was last year during the debate on the fiscal year 2007 Energy and Water appropriations bill. Similar language was removed from that legislation by a House vote of 216 to 201. So this language was not in the House-passed bill.

The full Senate did not even debate the fiscal year 2008 Energy and Water appropriations bill. Only the Senate Energy and Water Appropriations Subcommittee approved this language. It has now been included in this omnibus bill. That simply is not right.

Finally, let me say that I noted with interest the fact that last week, seven States in the western part of the United States signed a historic water-sharing agreement.

I congratulate those from Utah, Arizona, California, Colorado, Nevada, New Mexico, and Wyoming who worked on this issue and were able to complete what I am sure was a very difficult process. It gives those of us in the Southeast hope for that light at the end of the tunnel, hope that we, too, can reach agreement one day. I ask my colleagues to consider for a moment that if during the midst of progress on that historic water agreement a Member of the Senate attempted to use the appropriations process to prevent the Corps of Engineers from implementing the most up-to-date information in the management of the water that crosses those States. I hope those colleagues would consider the negative impact that would have on the process in which their States were engaged.

I read very carefully the language my colleague from Alabama inserted into this omnibus bill. I can only take solace in the fact that at least the language allows the Corps of Engineers to continue the process of updating the water control manuals, even though it seems to prevent them from actually implementing those manuals, whatever recommendations come out of those manuals. We all know updating water control manuals is a 2-year process. You can rest assured that we will revisit this issue and rest assured when the time comes, I will do everything in my power to make sure these critical updated manuals are actually implemented. I think at the end of the day my colleague from Alabama will discover that updated water control manuals will benefit all parties involved in the difficult negotiations of water allocation among the three States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I associate myself entirely with the remarks of the distinguished Senator from Georgia. Secondly, I express my appreciation to Senator REID for his attempt when this was discovered to allow us a chance to debate the merits of the proposal in division C of section 134 of the Omnibus appropriations act. Unfortunately, that could not be done. Senator CHAMBLISS and I are left with expressing our deep disappointment on the floor of the Senate tonight.

I ask unanimous consent to print in the RECORD the complete article of a December 18, 2007, front-page article from the Marietta Daily Journal entitled ''Drought Talks to Speed Up.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Marietta Daily Journal, Dec. 18, 2007]

DROUGHT TALKS TO SPEED UP

(By David Royse)

TALLAHASSEE, FLA.—The governors of three drought-stricken Southeastern states agreed Monday to speed up talks on sharing water during scarcities, hoping to end a nearly 18-year fight over the issue by March.

The governors of Florida, Alabama and Georgia and federal officials also agreed not to reduce for now the minimum amount of water that will flow into the Apalachicola River, which feeds a major oyster breeding ground in the Florida Panhandle. That eases the minds of some fishermen and Florida officials—they had feared the flow could be further reduced to meet drinking water needs in Atlanta. Florida's Charlie Crist, Georgia's Sonny Purdue and Alabama's Bob Riley said they agreed that their staffs will continue to work together to come up with a plan for dolling out the region's water by March 15.

That was hopeful news to fishermen along the Panhandle Gulf Coast, who were looking at the prospect of water flows remaining lower than they say they can tolerate until June 1, when an interim agreement on flow levels originally had been set to expire. Now, there's a possibility of agreeing on raising the amount of water coming into Florida earlier.

''We're cautiously optimistic,'' said Kevin Begos, the director of the Franklin County Oyster & Seafood Task Force.

U.S. Secretary of the Interior Dirk Kempthorne, who also participated, said he was pleased the governors have agreed to try to end the states' nearly two decades of disagreement on the issue as early as this spring.

''This was real. It was meaningful,'' Kempthorne said. ''The atmosphere today reinvigorates me that we can get this done.''

One of the worst droughts in years in the Southeast has created a sense of urgency, all three governors acknowledged.

''We're talking about solving something we've been working on for 18 years within the next two months,'' Riley said.

The fast-growing Atlanta area gets most of its water from Lake Lanier, at the head of the river basin shared by the states. But drawing more water from the lake means less for downstream uses in Alabama and Florida.

Alabama is concerned about water for the Joseph M. Farley Nuclear Plant, near Dothan.

Florida is concerned about freshwater flowing into Apalachicola Bay, a prime shellfish producing area, that produces about 1 in 10 of the oysters eaten in the country.

The amount of freshwater flowing through the Apalachicola-Chathoochee-Flint river system into the Gulf at the mouth of the Apalachicola River has been reduced to near historic lows, threatening the fishing industry there.

The flow increased in recent days because of a downpour over the weekend, but it had been reduced to a level that fishermen had said wouldn't sustain their industry. Making them more nervous, U.S. Corps of Engineers officials had said they might reduce the flow further. And it wasn't likely to be renegotiated until June 1.

At a Cobb County-Marietta Water Authority meeting on Monday, authority General Manager Glenn Page said that for the first time since May, the level of Lake Allatoona increased.

At full pool, Lake Allatoona is 840 feet above sea level. Page said the lake on Monday was at 819.15 feet, about 5.5 feet below average for this time of year. On Friday, the lake level was 818.88 feet.

But fishermen have said that to keep the low amount of water going into the bay through the spring spawning season would devastate the industry.

Crist said he understands the needs of the bay's fishermen and oystermen, who complained in a recent meeting that the river mouth and bay are already so salty that oysters can't survive. Speeding up the timeline could mean earlier relief.

''Florida's oyster industry faces an uncertain spring, due to the current drought,'' Crist said. ''Spawning season is critical to our northwest Florida economy.''

Crist also hinted that Georgia might need to increase its conservation—noting Florida has made moves to cut use since the drought began.

''We all share the difficulties of the current drought—all three of our states must provide for comprehensive water conservation efforts,'' Crist said.

None of the governors, however, would talk specifics about where their chief remaining obstacles lie.

Water flows into the bay are also a concern for environmentalists, who worry about the effect of less water on other species besides oysters.

The endangered Gulf sturgeon, and two species of mussel, the fat threeridge and the threatened purple bankclimber, are also imperiled by lower flows.

In early December, authorities said there was less than four months of available water left in Lake Lanier. Perdue said recent reductions in flow that Florida opposed have aided in raising the lake's level.

''The flow reductions have helped, the ability to recover some of the rainfall and store that has helped,'' Perdue said. ''But we've got to have a protocol that determines how we're going to share in times of scarcity, and that's what we're all trying to figure out.''

Just last week, Florida water managers approved restrictions on water use in the southern part of the state. Starting early next year, outside watering will only be allowed once a week from Orlando south to the Keys.

The meeting also follows a major agreement signed last week that will allow seven western states to conserve and share Colorado River water, ending a divisive battle among those states.

Mr. ISAKSON. I would like to read one sentence from that article: Governors Charlie Crist of Florida, Sonny Perdue of Georgia, and Alabama's Bob Riley said ''that their staffs will continue to work together to come up with a plan for doling out the region's water by March 15.''

That common goal stated by those three Governors today in Florida puts us within less than 90 days' reach of what has been out of the grasp of the States of Georgia, Alabama, and Florida for 18 years, since 1989. At the last minute, because of a broken process for an Omnibus appropriations bill to contain legislation that directs, potentially limits, or sets the parameters by which the Corps of Engineers might be able to implement control of the waterways is just not right. It is my sincere hope at some time in the future those who might have thought this was a good idea will recognize it is actually contrary to what we in the Senate from the three States have attempted to do when we had a summit in Washington less than 2 months ago with our three Governors and the Secretary of the Interior.

There is no more precious gift than water, no better and more precious resource than water. There also is nothing better in the legislative process than a spirit of cooperation between each of us who shares borders in our States so as to find the right way to solve problems, not have dilatory tactics to postpone or delay problems.

I conclude by expressing my deep disappointment that the Omnibus appropriations bill contains division C, section 134, which has those potentially limiting factors and urge my colleagues to look to the future to find solutions, rather than a way to protract and delay and find confusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to say to the two Senators who have just spoken, this Senator from New Mexico is ranking member of that committee. I am not chairman any longer of the committee they have alluded to. I can assure them that it was not overt action on this Senator's part that put that provision in the bill. I think you know that. We would be talking; I am pretty accessible. You two have already been telling me. I am hopeful that my presence on that committee will be of help to you in resolving whatever problems might be caused by its being there. Having said that, I want to make a comment. If it takes me an extra minute, I ask for an extra minute at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I come to the floor as I embark upon my last year as a Senator after 35 years. Tonight, today, this week, this month reminds me of something. It reminds me that it is time for the Senate to have a serious debate on whether we should be doing appropriations every year and doing a budget resolution every year or whether it is time for the Senate to do that on a 2-year basis, as many States do, and as we certainly could do, taking the first year for appropriations and budgeting and the second year of the bi-cycle with no appropriations other than emergency supplementals or whatever we define. I believe it will work. I believe it will work because it is better than what we have. I also believe things are so bad in terms of not being able to get our work done and ending up with appropriations like this.

As good as they are, as hard as people work, everybody knows it is not the way to do business. We have done it. Democrats have done it. I lay blame on no party. I merely say the Senate can't sleepwalk through this for much longer. This is a huge problem with a simple solution. The solution will be a little one that will address a huge problem. Plain and simple, the legislation is drawn, committees have had hearings, a 2-year cycle for the processes of budgeting and appropriations. I hope those who have come up to me in the

last week will follow through. I hope the chairman of the Committee on the Budget, who has indicated he is going to look carefully and study thoroughly, will do that quickly.

I would like to join with those early on next year in seeing what we can do to better a process that has served us well but, clearly, at this point in history, considering the size of government, how often government must produce budgets, how wasteful that is, all the other things that go with it, I would hope we might make some giant move in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am advised that there are between both sides nearly an hour and a half left to debate. My colleagues have been asking when we might vote on this and on the judge who is also to be voted on. If my friends on the other side are willing to yield back all their time, I am willing to yield back all time on this side and go to a vote on this measure. I am not trying to cut off anybody from their long speeches. But if they are willing to do that, we could save an hour and a half, yield back time on both sides, and then yield back everything but 1 minute per side on the judicial nomination and go straight to a vote on that. Do I hear any takers?

I ask unanimous consent that all time be yielded back on both the Republican and Democratic side.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. You want to stay here for the next hour and a half and vote and the next hour or so for the judge and vote.

Mr. DEMINT. Will the Senator yield? I think there are a few of us who would like to make comments on the omnibus, but I don't think we are going to use all of our time.

Mr. LEAHY. I recommend that the Senators, for those who wish to go home, may want to make speeches after the vote. If they would like to make them before, of course. If they would like to make them before, they have that absolute right, and we would not yield back any time.

Mr. DEMINT. That is my preference, to make some comments.

Mr. LEAHY. Then I will not yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, hopefully, we can cut the time short. We insist on some comments about this bill because it is probably the largest bill that has ever passed in the Senate. It is sitting in front of me tonight. It amazes me we are willing to take this lightly. This is the bill we are getting ready to vote on, probably the biggest spending bill that has ever passed in the Senate. It was received yesterday. Normally it is a courtesy in the Senate that the bills we are debating are placed on every Senator's desk so that we can at least have the pretense that we have looked at them. But you will notice that this bill is not on any desk in the Chamber because there is not one single Senator here tonight who can say they have read this bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DEMINT. No, sir, I am going to make my statement. I know we are all tired and ready to go home. I do appreciate the work of my colleagues. I wish them all a very Merry Christmas and a wonderful time with their families. But this is the last bill of the year. It is not just any bill. We began the year, all of us, very hopeful. Oftentimes a change is helpful as we rethink how we do things. In fact, I began this year introducing one of Speaker PELOSI's bills that provided more transparency to earmarks that I thought was better than ours. I introduced it on the Senate side. But, unfortunately, as we have gone through the year, we haven't been able to get our work done.

We like to say we are the world's greatest deliberative body. I have to ask my colleagues tonight, on the largest bill we have ever considered, the most expensive bill we have ever considered, what deliberation?

We don't even know what is in this bill. We haven't had any real debate. We are going to try to cut it off in an hour or so. This is a couple of times bigger than the Bible. It is bigger than Webster's Dictionary. It has some of the most important provisions to direct our country over the next year that we could possibly consider. We don't even have a desk copy.

I would like to make a few things clear about this bill. This does not include the Iraq and Afghanistan money. We voted on that separately. It is done. It is going to go back to the House. A vote against this bill is not a vote against our troops, but it is a vote against how this has been done and the mismanagement that has occurred. To bring this much spending and this many provisions, 3,400 pages plus in 24 hours, and ask us to vote on it is irresponsible.

There should be no confusion tonight. We are not going to vote on the Iraq funding, which we passed. I am here to encourage my colleagues to consider for many reasons voting against this omnibus spending bill. I am afraid it is indicative of the way we have run this year, as we look at this big bill sitting in front of us.

I am afraid the new majority has attempted to cater to so many special interests with so many diverse interests that we have really become dysfunctional and have not been able to get our work done. They cannot really support the funding of the troops or they will irritate the antiwar left. They cannot vote for fiscal responsibility or they will irritate the special interest lobbyists who need a lot of the special projects and earmarks in this bill.

So instead, we have come up with this arcane procedural process. This is not really a bill; it is some form of message. And we are going to pass it separately so that we can have it both ways and no one can be blamed for the mismanagement. But there should be no mistake. NANCY PELOSI is the Speaker of the House, and HARRY REID is the Senate majority leader. The Democrats are in charge of Congress. This is their process. It is their bill. And I am afraid, my colleagues, it is a disgrace.

This is the bill. As I have said, it might be the largest bill in the Nation's history. It is the most expensive bill in America's history—3,400 pages-plus; 24 hours to consider its contents. It took over 6 hours just to print this out. There is one copy in the cloakroom on both sides. We have not even read it. It contains over 9,000 earmarks. If we can see this chart over this large stack of legislation: 9,100 earmarks, plus the 2,100 that have already been passed.

If you remember, a lot of the culture of corruption we talked about at the beginning of this year was attributed to the earmarks—trading earmarks for bribes and earmarks for campaign contributions. The new majority promised the American people, with my support, that we would reduce the number of earmarks significantly.

One of the last acts of the Republican majority was to stop the big omnibus last year and to force a continuing resolution where the result was only 2,600 earmarks.

Those who say this large number of earmarks has always been a part of the Senate do not know our history. All you have to do is go back to 1995: 1,400 earmarks. If you go back past then, there were fewer than that.

This is not a constitutional function. It has not been part of the history of the Senate. This growth in earmarks is a perversion of the purpose of this Congress, where we have changed our focus from national interests, the future of this country, to parochial, special interests that we work on every year and hardly even talk about those issues that challenge our Nation—such as a Tax Code that is sending jobs overseas; entitlement programs, where we do not have a clue how we are going to pay for them; health care, when people cannot receive it in our country. We are fighting over bike paths and museums and little special projects all year long.

This year, with the new majority, we are back up to the second highest level in history of the number of earmarks, special project earmarks, that we are supporting in this bill right here, and we do not even know everything that is in it as yet. It contains at least $20 billion in budget gimmicks and so-called emergency spending. I could go down the list. It would put a lot of people to sleep. There are a number of ridiculous provisions that we are just finding.

The serious debate over immigration came down to at least one starting solution: that we are going to secure our borders. We voted the money to build fence and barriers on our borders. But this bill changes what we have already passed. It allows for only a single-layer fence and takes out the requirement for the location of the fence in States, that the money cannot be released until 15 new requirements authored by the Appropriations Committee are satisfied. It is just designed to delay what the American people made clear to us earlier in the year. They want us to have a country with secure borders. This bill changes that. It also provides $10 million to pay for lawyers for illegal aliens.

The English requirement. The Senate passed language earlier in the year to ensure that employers are not subjected to Government-funded lawsuits if they require English in the workplace. This bill takes that protection away from employers and exposes them to lawsuits because they need English spoken in the workplace.

Sanctuary cities. The prohibition against sanctuary cities was taken out.

There are special earmarks for the AFL–CIO, a number of others.

We could go down the list. Again, we are just starting to find out what is in the bill. I know very few Senators here tonight know what is really in it.

The organizations that are watching this Congress to try to identify waste are going to be key voting this tonight. I think my colleagues know they consider that a very serious issue. The Citizens Against Government Waste are saying vote no. The Club for Growth says vote no. The American Conservative Union says vote no. The Americans for Prosperity: No. Americans for Tax Reform: No. National Taxpayers Union. We can continue to go down the list. All the organizations that downloaded this off the Web last night and began looking through it within an hour or two found things that made it unacceptable.

It is an unacceptable bill, and it should not be part of the world's greatest deliberative body tonight. But I think we agreed—I think the American people asked the new majority to end business as usual. I hope we can do that tonight. I hope we can give the American taxpayers a real Christmas present and stop wasting their money, stop breaking the promises. While we are making all the new promises in here, we are not making provisions to keep the promises we make.

I know most of my colleagues believe this is not the way we should be running the Senate and that they would like for there to be a better way. We do not have to vote against the troops to vote against this bill. I would encourage my Democratic colleagues, many of them who have stood with us this year on earmark reform, that is one reason alone to vote against this bill: the policy changes, the moving more money to Planned Parenthood, the compromising of our border security. The list is getting longer and longer, and we are not even a quarter of the way down the bill yet.

I encourage my colleagues to join the American people and help us stop wasteful spending. This is the last bill of the year. It is the last vote. It is going to say a lot about this Congress and what we have accomplished. This is our chance to at least say: No more business as usual. We are not going to do business this way, where we pile 3,400-plus pages on a desk, in 24 hours, and ask the Senators of this country to vote for it without even knowing what is in it. It is not the way to run a Senate. It is not the way to run a country.

I plead with my colleagues, let's leave this year on a positive note. Vote against this omnibus and give Americans a real Christmas present.

Thank you, Mr. President. I yield back.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, for 46 hours and 8 minutes—for 46 hours and 8 minutes—the Senator from South Carolina has had an opportunity to go to the Internet and see this bill in its entirety, with his staff, and to read every page—46 hours and 8 minutes. For this Senator to suggest on the floor that we are sneaking this bill in, that people have not had a chance to see it, I would just say to the Senator from South Carolina: Welcome to the world of the Internet. This bill has been posted since 12:15 a.m. Monday morning on the Internet for your perusal. That is early to get up, I understand. It is an early time to be reading the bill. But, please, do not come to the floor and suggest that this is a mystery bill which no one has seen. For 2 days, this has been posted on the Internet. You have had your chance. Every Senator has had a chance. And incidentally, this bill was passed pursuant to a budget resolution.

Mr. DEMINT. Has the Senator read the bill? Have you read the bill?

Mr. DURBIN. Regular order, Mr. President. The Senator from South Carolina would not yield for my questions, and ordinarily I do, but I am going to make this quick because it is late at night.

I say to the Senator from South Carolina: Welcome to the Senate where we pass a budget resolution. We did that this year. It is new to the Senate. We did not do that last year. Welcome to the Senate where we are going to pass appropriations bills. It did not happen last year. The Senator may recall when he arrived that the Republican-controlled Senate failed to pass 11 appropriations bills, and we had to pass them when we arrived in the new Senate.

So for him to suggest that what we are doing here does not give the American people a chance to see what has happened—this has been the most transparent approach to passing these bills. In fact, I might say to the Senator—he has probably followed this—the Senate Appropriations Committee has considered all of the bills that are contained therein. There have been changes, for sure, but those that came to the floor—about 7 of them—passed with over 75 votes apiece. So to suggest that this is a mystery document is to ignore the Internet, ignore the availability, and ignore the obvious. The last time, the Republican majority passed two appropriations bills. Congratulations. We want to pass them all. And this is your chance. You can vote no. That is your right as a Senator.

Let me say a word about earmarks. About 4 inches of the document in front of you consists of complete disclosure on earmarks—the most detailed disclosure in the history of Congress. And your chart, unfortunately, tells the story from the wrong angle. The total dollar amount of the earmarks contained in those appropriations equals 43 percent of the earmarks contained in the Republican appropriations bills of 2 years ago. A 43-percent reduction in the dollar value of earmarks, total transparency, total disclosure—I thought that is what you were asking for when you stood up during the ethics debate.

Let me also say that the Senator is opposing the removal of authorization language from appropriations bills. That is a point under our rules that is debated all the time. It happens. It happened in my bill, in my appropriations bill. And most of the time it happens because the White House tells us they do not want the language.

The last point I want to make to you is that to suggest that this bill is wasteful spending comes at just the right moment—just the right moment—after the Senator from South Carolina voted for $70 billion on a war that is not paid for. And the Senator joined in opposing our efforts to pay for a reduction in taxes. Wasteful spending? What the Senator did in those two votes is to pass billions of dollars in debt on to future generations.

I would urge the Senator, discover the Internet, discover the opportunity to read these bills. And when you do, you will see that this information has been available now for 46 hours and 13 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in this discussion of earmarks, of course, the elephant in the room—and I do not necessarily mean that as a pun—are the hundreds of billions of dollars of earmarks from the President of the United States: the blank check to the war in Iraq; the blank check to the people who are hired as contractors, various companies—Halliburton is one that comes to mind, but many others, Blackwater and so on. These blank checks—nobody wants to talk about those.

But every President—not just this President but every President—has

hundreds of billions of dollars in earmarks in the bill. This President has had trillions of dollars. That is why this President, who inherited the largest surplus in the Nation's history, has turned it into the largest deficit in the Nation's history. And it is why? Because with the combination of his deficits and his war in Iraq, he is just paying the interest on the Bush administration's debt and the war—just the interest and the cost of the war.

Every day, 7 days a week, 365 days a year—366 in leap year—we spend $1 billion every single day—every single day—in interest and the war in Iraq. That is money that does not go to education, does not go to finding a cure for cancer or Alzheimer's or diabetes or AIDS. It is $1 billion a day that does not go to educate our children and our grandchildren. It is $1 billion a day that does not go to find a way to make sure our schools can start competing again with schools around the world. It is $1 billion a day that does not go to paying down the national debt.

So those are the earmarks we do not talk about.

Mr. President, I yield to the senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the distinguished Senator from Vermont. I will be very brief. I will vote for this bill. There are good things in the bill and there are bad things. One bad thing, as the Senator from Vermont was listing off a number of things that have not been adequately funded, is the fact that the widows and orphans of the people who have served our Nation in uniform are not being compensated a paltry $1,200 a month due to an offset between what they paid—what their spouse paid for in the spouses's benefit, and what, under the dependents indemnity compensation, they are entitled to by law.

This bill, to its credit, tries to address that offset but addresses it with a paltry $50 per month for those widows and orphans. It was President Lincoln who said a Nation has an obligation for those who went to war to care for the widows and orphans. Widows and orphans are a cost of war, and we have denied that cost and we still do so again tonight. We have only been working on this for 7 straight years, and at least we got a paltry $50. But there is much more that needs to be done to right this wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I see the Senator from Iowa, who obviously has the right to speak. Let me ask again how much time remains on both sides.

The PRESIDING OFFICER. The majority controls 30 minutes and the minority controls 32 minutes.

Mr. LEAHY. Mr. President, I hope we can quickly reach a point where Senators on both sides are willing to finish speaking. Obviously, I am not going to ask to cut off anybody's time. As soon as there is no Senator seeking recognition, I will move again to yield back all time on this vote and all time on the judge's vote, so we can go to both those votes back to back.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I do need to rise to speak in strong opposition to what folks in Wyoming have figured out is an ominous omnibus appropriations bill, and they think there are literally billions of reasons to vote against this bill, and that is what I intend to do when I vote on it.

We are nearly a quarter of the way through fiscal year 2008 and only one of the 12 appropriations bills is law. The remaining 11 bills are stuck together in this bill. There is one-half trillion dollars of spending in the 3,000-page bill. Now, when I was going to school, we spent a lot of time figuring out what a million was, and I think I kind of figured that out after I got here. But we talk mostly about billions, and that is a little tougher to do. But I did run into one example that explains a billion a little bit, and that is if we are talking about a billion seconds ago, we are talking about 1959. If we are talking about a billion minutes ago, Christ was walking the Earth. If we were talking about a billion dollars of spending ago, we are talking about 8 hours and 20 minutes, the way we are spending it right now.

There was some comment about not having access to the bill. Well, the Web site had the bill the way the House was to address it 2 days ago. I suspect you can get through the 3,400 pages if you stayed up the whole 48 hours and read it, but we didn't know what that bill was going to be after their action until less than 12 hours ago—perhaps a few more than that, considering the time of night it is now. But this is a real unreal state of affairs and it has become the norm.

It has been pointed out that this isn't the only year we have done an omnibus bill, but this is exhibit No. 1 on what is wrong with government in this country, and I don't want to condone it. Every year this happens, every year we drive an omnibus, we get closer to financial ruin when we do that. What have we been spending our time on this year? Political votes, not policy votes. And the American taxpayer is paying the price here in the eleventh hour to the tune of billions of dollars.

In the 2006 mid-term elections, the American people called on us to stop business as usual. They called on us to stop overspending. They called on us to change. That is the message we gave them, that we were going to change. But instead of change, we have seen Washington run in a more partisan manner than ever before. This bill contains 3,400 pages, and I can't imagine that many of my colleagues have read it, even those who knew it was on the Web site 48 hours ago.

In the crazy world that is Washington, the bill complies with the spending level set forth by President Bush, but it does so in a way that uses budget gimmicks and hides billions of dollars in extra spending. As the only accountant in the Senate, I can tell you the Federal Government's budgeting is criminal. If a private company forgot to count $11 billion against their budget, the CEO would go to jail.

I support some of the funding in this bill. I support full funding for our veterans. I support providing money for border security. Almost all of these provisions are worthy areas for Federal funding. But we cannot spend money on everything we want and call ourselves fiscally responsible. If the money is needed for these programs, maybe we should cut out the more than 9,000 earmarks that were in the bill to pay for them. At some point, someone will have to pay for our overspending, and I would ask: Where do my colleagues think that money comes from? This money is coming from mothers working at the mall or fathers who are building buildings or farmers plowing their fields. They do not work so hard so they can serve up a dish of pork to people thousands of miles away without their consent. But that is what the architects of this bill are doing.

My concerns with this bill are more than just fiscal. We do have a process around here for considering legislation. I am talking about legislation versus appropriation. This bill ignores that process and the Senate rules that expressly prohibit legislating on appropriations bills. By making it an omnibus bill, it makes things that are important seem insignificant when compared to the one-half trillion dollars we are spending. So it seems petty if anybody suggests taking out some minor item of a few million, or even a few billion, considering the size of the bill.

But I am talking about the legislation part. It ignores the process and the Senate rules that expressly prohibit legislating on appropriations bills. Again, because it is an omnibus bill, we don't have the same right to challenge parts that would be legislating. We do hold hearings in committee. We work within the committee to develop and pass legislation. Then we consider the bill on the Senate floor. We do this so that important issues get the input and attention the American people expect and deserve. It might take longer to go through these steps, but the product is better; not perfect, but certainly better than the product that is before us today.

The amount of legislating in the Omnibus appropriations bill, particularly the Labor-HHS title, is criminal and outrageous. HIV/AIDS funding is a perfect example. A year ago, we passed a bill with a formula in it that made sure that money for HIV/AIDS followed the patients. How well did that do? It passed unanimously in the Senate and it passed unanimously in the House. You can't be more bipartisan than that. You can't be more agreeable than that. We said the formula was right and that the money should follow the

patients. Well, there is legislation in this bill that changes that formula, and it never received a hearing before a congressional committee, it has never been marked up, and it was inserted in the House bill without a full debate or even a vote.

We struck that part over here. We struck that part by a very significant vote because it was mostly 7 cities stealing from 42 other cities. That is not the way to legislate. So striking that part did occur in the Senate by a significant vote. So much for transparency and sunshine in Washington.

The Labor-HHS section of the bill is not the only section that includes problematic legislation. The bill includes provisions that allow a 2-percent deduction of State mineral royalty payments to help cover administrative costs at the Department of Interior. Let's see, what does the Department of Interior do? They get a check from Wyoming companies, collected by the State of Wyoming, audited by the State of Wyoming, and they take half of it and send us a check back for the other half. That check is going to cost us $20 million.

Whoever heard of paying somebody $20 million to write you a check? Well, maybe there is some accounting they have to do to figure out whether the money sent was exactly right. You know, accountants are not allowed to take a percentage of the money. That is what lawyers do. Accountants are supposed to stay on flat fees, and I guarantee you nobody ever got $20 million for a few minutes work. That is another example of the Government taking money that is owed to States to pay for the unrelated Federal priorities because a majority in Congress doesn't control spending.

The omnibus contains provisions to prohibit the Department of the Interior from issuing final regulations for oil shale development, even though the process for development was laid out through careful bipartisan negotiations that came through a committee and that were voted on by the people in the committee, that were voted on here on floor of the Senate, that were voted on the House floor, and that were combined into what we call the Energy Policy Act of 2005. We said: Get that process set up. We didn't say: Do the process. We said: Get the process set up.

Well, there is language in this bill that says: You can't set it up. You can't do what we said in 2005 as a necessity for getting energy going in this country. Now, there are plenty of possibilities for stopping that process through things that are already in place, but, no, there is legislation in this bill that says: We don't want energy. We don't want you to even consider energy. We don't even want you to set up the regulations for how you might proceed in an orderly way so that we can object to that orderly way if we want to.

It also includes the new $4,000 fee for each application for a permit to drill oil and gas wells, with no guarantees that the permits will move forward in an expeditious manner so they can produce more domestic energy. If we don't produce more energy, the price, I guarantee you, will go up. You cannot constrain the supply and get the price to go down.

It is unfortunate that Congress waited until December 18 to advance these appropriations bills. Without the ''gotcha'' politics part, they could have been completed more than 2 months ago. They could have been completed in a very bipartisan way. We have to quit playing ''gotcha'' politics. Congress wasted countless weeks writing and debating bills that were never going to be signed. The President has been quite vocal about his objections. People on both sides of the aisle have expressed objections on a lot of the things we have voted on.

So here we are today, a week before Christmas, cramming through in 1 day a project larger than several Manhattan phone books, and that most of my colleagues have not had the time to read and review, and that is even if they divided it up among all their staff and had them look at all the parts they are familiar with. So I am telling you I am offended by the process. I am disappointed in the institution. I vote ''no'' on the bill. I want us to change it.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I am disappointed with the omnibus appropriations bill that is before us today. With the McConnell amendment, this omnibus bill will write yet another blank check—this one for a whopping $70 billion—for the President to spend on his wars in Iraq and Afghanistan. At the same time, this bill will grossly underfund urgent priorities here at home—everything from cancer research to law enforcement to home heating assistance.

And why is this happening? It is happening because President Bush has refused to compromise, refused to negotiate, refused to respect Congress as a coequal partner in the budgeting process.

The President claims that he is standing on principle, the principle of budget restraint and fiscal conservatism. But this claim is laughable.

Think about it: Mr. Bush provoked a bitter confrontation with Congress over the $22 billion that we proposed spending on urgent domestic priorities above his budget request. Democrats offered to split the difference, lowering that amount to $11 billion. But Mr. Bush still refused to negotiate or compromise.

Meanwhile, he and his allies have insisted on vastly more than that—a total of $144 billion—for the war in Iraq this year, all of which will simply be added to the deficit. At the same time, he demands a $50 billion AMT fix—which we all favor—but he insists that we not pay for it. That's another $50 billion piled onto the deficit.

So the President has forced Congress to cut $22 billion in domestic funding from the budget, and he turns right around and demands that Congress add more than 10 times that—more than $200 billion—for wars and tax cuts, all of it unpaid for, all of it added to the deficit. And this is what he calls budget restraint and fiscal conservatism? As I said, that claim is simply laughable.

Actually, this is not so much laughable as it is shameful. Bear in mind that in October the Senate passed an appropriations bill for Labor, Health and Human Services, and Education by an overwhelming 75 to 19 margin, including a strong majority of Republican Senators. That bipartisan support reflected the fact that the bill funded essential, life-supporting, and life-saving services for millions of people in this country. That bill reflected the values and priorities of the American people.

But even before we brought the health and education appropriations bill to the floor, President Bush threatened to veto it. He dismissed the bill as ''social spending,'' as though it pays for Saturday night socials or something. Then, on November 13, in one fell swoop, Mr. Bush vetoed the bill, and insisted, again, that we bend to his budget demands.

Let me remind our colleagues what Mr. Bush was demanding. The President demanded that we cut cancer research and other medical research at the National Institutes of Health.

He demanded that we cut thousands of families from the Low Income Home Energy Assistance Program.

He demanded that we completely eliminate the safety net that includes job training, housing, and emergency food assistance for our most needy citizens, including seniors and people with disabilities.

He demanded that we slash funding for Community Health Centers, preventing 225 new centers from opening.

He demanded that we dramatically cut funding for law enforcement and the COPS program.

He demanded that we cut funding for special education and Head Start.

I am pleased to say that we did not allow these heartless, misguided priorities to prevail entirely. The President has refused to compromise, refused to negotiate—and, no question, this is going to hurt millions of Americans, including the most needy among us. Nonetheless, I am pleased with what we have been able to salvage in this bill.

The omnibus bill before us today technically yields to the President's top-line number of $515.7 billion. But I am pleased to report that it shifts funding in order to address some of the bottom-line priorities of the American people and of the Democratic majority in Congress.

Even within the constraints of this bill, the final Labor-HHS-Education section of the omnibus includes significant increases above the President's budget. For instance, it includes: an

additional $607 million for the National Institutes of Health, additional $788 million for LIHEAP, the home-heating assistance program for low-income families.

It provides $77 million above the President's budget for community Health Centers, allowing more than 50 new centers to be opened.

It provides an additional $955 million for Head Start, Title I, special education, and teacher quality.

It also provides an additional $150 million for the Social Security Administration to help clear out the backlog of disability claims.

However, because of the President's veto threat and refusal to compromise, law enforcement remains woefully underfunded, in particular support for local police departments. Fewer community health centers will be opened and fewer children will be vaccinated. More than 80,000 fewer children will be served under Title I.

Every dime of additional funding in this bill goes to meet basic, essential needs here at home—needs that have been sadly neglected in recent years, even as we have squandered hundreds of billions of dollars in Iraq.

I voted against the McConnell amendment to provide another $70 billion in funding, mostly for Iraq. The war in Iraq has not reduced the threat of another terrorist attack in America, it has increased that threat. It has not defeated Islamic terrorists, it has brought more recruits to the ranks of al Qaeda.

Nor has the so-called ''surge'' in Iraq succeeded as advertised. The whole rationale for the surge was to create breathing space for new elections in Iraq and reconciliation between Sunnis and Shiites. These things have not happened.

I joined with Senator FEINGOLD to attempt to link any new funding for Iraq to a deadline for redeployment of our troops. Unfortunately, that amendment failed. This means that the next $70 billion appropriation for Iraq will not require any redeployments, nor will it include any benchmarks that the Iraqi government must meet. It is simply a blank check, untied to any demands or expectations, and that is unacceptable.

Indeed, I find it ironic that Mr. Bush has been more than happy to spend untold billions of dollars on schools, hospitals, job training, and law enforcement—in Iraq. But when we try to address those priorities here at home, Mr. Bush gets out his veto pen and hoists the flag of what he calls ''fiscal conservatism.''

But, as I have said, Mr. Bush's pose as a fiscal conservative is absurd.

During the six years that the Republicans largely controlled Congress, Mr. Bush did not veto a single appropriations bill, including many that exceeded his budget requests.

He is demanding that we pass supplemental bills that bring war spending, this year alone, to more than $196 billion, mostly for Iraq. The Congressional Budget Office now estimates that Mr. Bush's war in Iraq will cost a staggering $1.9 trillion through the next decade. Yet, just last week, he pledged to veto the omnibus bill because of $11 billion in funding for education, health, biomedical research and other domestic priorities.

Think about it: The President is demanding that we continue to spend $12 billion a month on his war in Iraq, yet he objected to an additional $11 billion over a full year for domestic funding. This is simply not reasonable or rational.

At the same time, the President is insisting that we send him an Alternative Minimum Tax fix costing $50 billion. Yes, we need to fix the AMT, and we need to do so in a responsible way. But, Mr. Bush has a different idea. He refuses to pay for the AMT fix. He insists that we simply pile it onto the deficit, dumping it on our children and grandchildren.

Bear in mind, by the way, that this AMT problem is not a surprise to anyone. The 2001 tax cut bill deliberately refused to address the AMT issue in order to squeeze in hundreds of millions of dollars in additional tax cuts, overwhelmingly for the well-off. Mr. Bush used the AMT to mask the true cost of the tax cuts. But, in doing so, he left the AMT as a ticking time-bomb that would soon double the number of Americans subject to the tax.

Today, that time-bomb is exploding, threatening to hurt millions of middle-class families. The House of Representatives, to its great credit, came up with a responsible way of paying for the AMT fix. The House proposed to eliminate the so-called ''carried interest'' tax break for hedge fund managers with multi-million-dollar incomes—a tax break that allows them to pay their taxes at lower marginal rates than middle-income Americans.

Eliminating this egregious tax break is a matter of basic fairness. It also would help to pay for the AMT fix. But the President said no. He promised to veto it. All of which means that the $50 billion we spend on the AMT patch will not be paid for; it will be added to the deficit and the debt. That is not just a shame; it is shameful.

So I regret that the President vetoed a good, bipartisan Labor-HHS-Education appropriations bill that passed this body overwhelmingly. I regret that Mr. Bush has refused to negotiate or compromise. I regret that he demands that we spend endlessly on his war in Iraq, even as he demands that we slash essential services and programs here at home.

But, despite all of these disappointments, we can take pride in the fact that this omnibus bill, in important ways, reflects the values and priorities of the American people. We have found additional funding for our priorities—priorities ranging from cancer research to education to law enforcement. I urge my colleagues to join me in voting for this bill.

PECUNIARY INTEREST LETTERS

Mr. HATCH. Mr. President, today I rise to discuss an unintended oversight by my office in connection with the disclosure of a congressionally directed funding project in the House message to accompany H.R. 2764, the Omnibus appropriations bill. When I filed my original requests for funding for projects in May of this year, I did not realize the letter included a request to fund the Old Dome Meeting Hall Renovations project in Riverton, UT. Subsequently, with the enactment of Public Law 110–81 on September 14, 2007, along with other Members of the Senate, I was asked to sign, and did sign, various certification letters in connection with our requests for project funding.

Upon a review of our files last night, with respect to the forthcoming House message to accompany H.R. 2764, the Omnibus appropriations bill, we determined that the certification letters sent to the committee may have been incorrect, as a member of my family may be deemed to have an indirect pecuniary interest in one of the items requested in my letter to the Appropriations Committee dated May 15, 2007. Upon discovering this oversight, I forwarded a letter to the attention of Appropriations Committee chairman, ROBERT BYRD, and ranking Republican member, THAD COCHRAN, which I believe to be in accordance with the facts now known to me.

I have chosen to address these issues openly on the floor of the Senate to clear up any facts regarding this completely unintended and unfortunate oversight. I want my colleagues to know that I always have and will continue to do everything possible to ensure I meet all ethics laws, rules, and requirements here in the U.S. Senate.

For the reasons I have outlined and in an effort to meet the highest ethical standards, I will be voting present on the Omnibus appropriations bill when I otherwise would have supported the legislation.

Mr. COCHRAN. I appreciate this colloquy and your intent to meet all the new, as well as old, ethics requirements regarding earmarks in appropriations bills. This is the first year for implementation of many of these new ethics rules and there has been some not unexpected confusion over how some of the new requirements must be implemented. I applaud your aggressiveness in making sure that you have done everything within your knowledge and power to ensure that you have complied with all the rules and requirements that are specified by the rules of the Senate with regard to the use of earmarks. Our discussion today provides the type of transparency intended by the ethics rules and should satisfy all requirements with regard to letters of pecuniary interest and earmarks as they relate to your situation.

Mr. HATCH. I ask unanimous consent that a copy of my letter to Chairman BYRD and Ranking Republican Member COCHRAN be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 18, 2007

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, Senate, Washington, DC.

Hon. THAD COCHRAN,
Ranking Republican Member, Committee on Appropriations, Senate, Washington, DC.

DEAR CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: I certify that neither I nor my immediate family has a pecuniary interest in any congressionally directed spending that I requested the Committee on Appropriations for Fiscal Year 2008, except that a member of my immediate family may have an indirect pecuniary interest in the Old Dome Meeting Hall Renovations; Riverton, Utah; Economic Development Initiative project, requested in my letter dated May 15, 2007 to the Senate Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Committee on Appropriations.

I respectfully ask that my request to fund this project be withdrawn.

Once this has been effectuated, my request will be consistent with the requirements of Paragraph 9 of rule XLIV of thc Standing Rules of the Senate.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

LOW-VOLUME HOSPITAL MEDICARE INPATIENT PAYMENT ADJUSTMENT

Mr HARKIN. Mr. President, I am pleased to support the legislation pending before the Senate today, which will ensure that Iowa's seniors continue to have access to their physicians and will reauthorize the SCHIP program through March 31, 2009, with additional funds for the ''shortfall States,'' like Iowa. I am however concerned about one provision that is not included in the legislation, a provision that is critically needed to help Iowa's midsized hospitals.

Unfortunately, current Medicare payment rates for hospitals do not account for the fact that most rural facilities cannot achieve the same economies of scale as large hospitals. This leads to inadequate reimbursement, which threatens the very existence of some of these facilities. To help address this situation, the Medicare Payment Advisory Committee MedPAC has recommended implementing a payment adjustment for certain small rural hospitals that serve a lowvolume of patients. For example, Grinnell Regional Medical Center in Grinnell, IA, is having difficulty keeping their doors open simply because of its size and location. Due to Medicare policies, they are currently reimbursed at 60 percent of its costs. This cannot continue. These hospitals are essential to giving our seniors good access to healthcare.

Mr. GRASSLEY. I want to thank my distinguished colleague for raising this issue, which has also been a concern of mine. I agree with him that these rural hospitals—the so-called ''tweener'' hospitals—should be given some assistance. These hospitals play a critical role in the medical care of our seniors throughout Iowa, and I remain committed to working with Senator BAUCUS to include ''tweener'' hospital improvements in next year's Medicare legislation.

Mr. BAUCUS. Senator HARKIN, I agree with you that this is an issue we need to address. As you know, I intend to work with Senator GRASSLEY to move a Medicare reform package early in 2008. Given the importance of this issue, I am committed to working with you to find solutions that will assist these hospitals within the context of our Medicare efforts.

Mr HARKIN. I appreciate that commitment. I look forward to working with both of you early next year to move legislation to assist these hospitals, in Iowa and throughout the country.

ADVANCED TECHNOLOGY LOAN GUARANTEES

Mr. LEVIN. Mr. President, I would like to ask the distinguished chairman of the Energy and Water Development Appropriations Committee, Senator DORGAN, to clarify for me the scope of the budget authority contained in the fiscal year 2008 Consolidated Appropriations Act for the Department of Energy's guarantee loans for development of advanced energy technologies. My understanding is that there would be $10 billion in budget authority for the Department to guarantee loans in the broad technology areas of renewable, energy efficiency, manufacturing, electricity transmission and distribution technologies.

I believe there is tremendous potential for new technologies to produce ethanol from cellulosic materials through all phases of development, including pretreatment. An important step toward proving these technologies will be the development of pilot-scale facilities. Is it the chairman's understanding that a range of technologies and pilot-scale demonstration facilities would be eligible for a loan guarantee issued by the Department of Energy using the budget authority included in this Consolidated Appropriations Act?

Mr. DORGAN. Yes, cellulosic ethanol projects are consistent with the intent of title XVII of the Energy Policy Act of 2005 and would clearly be within the scope of technologies that would be eligible for a loan guarantee from the Department of Energy.

Mr. LEVIN. I am also very interested in ensuring that advanced batteries and battery systems are fully developed and believe that loan guarantees for projects and facilities to develop lithium ion batteries could provide a significant boost for U.S. competitiveness. In the case of battery technologies, we need to develop the manufacturing capability in this country to ensure that these batteries will be produced here. Is it the chairman's understanding that advanced battery technologies would be included in the scope of the budget authority in this bill and would be eligible for a loan guarantee from the Department of Energy?

Mr. DORGAN. Yes, I believe that loan guarantees for development of advanced battery technologies would also fit into the scope of manufacturing technologies contemplated by the language in the Consolidated Appropriations Act of 2008 and should be consistent with the intent of title XVII of the Energy Policy Act of 2005.

Mr. KYL. Mr. President, I rise today to comment on section 691 of the Consolidated Appropriations Act, 2008. This provision amends section 212(d)(3)(B) of the Immigration and Nationality Act in order to allow the executive to make REAL ID immigration bars inapplicable to individuals or groups whose presence in this country would not pose a threat to the United States, while continuing to bar from the United States all persons who are tied to the worst terrorist organizations. The provision also gives automatic exemptions to the Hmong and Montagnard soldiers who fought alongside the United States during the Vietnam war, providing overdue relief to the members of these armies. And section 691 also designates the Taliban as a Tier I terrorist organization for immigration purposes, effectively eliminating exceptions to the applicability of REAL ID immigration bars for members, combatants, and others tied to the group that harbored Al Qaeda at the time when that organization was plotting the terrorist attacks of September 11, 2001.

Section 691 is the result of a negotiated compromise between Senator LEAHY and me a compromise that was encouraged and assisted by Senator COLEMAN and other Members who have taken an interest in this issue. The final language allows the Secretaries of Homeland Security and State to decide that the barriers to entry and stay in the United States in section 212(a)(3)(B) of the INA do not apply to certain individuals or groups. The language also clarifies that such non-applicability determinations are not subject to judicial review.

Under current law, the REAL ID immigration bars can only be deemed non-applicable to an alien if the alien is a representative of a political or social group that endorses terrorism, has himself endorsed terrorism, or has given material support to a terrorist group, and may only be extended to a group if that group is a Tier III group that only has a subgroup that engages in terrorism. The amendment expands the non-applicability determination authority to all terrorism-related bars, except that the bars cannot be deemed non-applicable if an alien is expected to engage in future terrorism, is a member or representative of a Tier I or II group, voluntarily and knowingly engaged in terrorist activity or endorsed terrorism on behalf of a Tier I or II group, or has voluntarily and knowingly received military-type training from a Tier I or II group. Also, no group nonapplicability determination may be applied to a group that attacks democratic countries or intentionally engages in a practice of attacking civilians.

Section 691's expansion of section 212(d)(3)(B) nonapplicability authority generally draws a line between Tier I and II terrorist organizations, on the one hand—groups which have been designated as Foreign Terrorist Organizations by the State Department or other agency of the Federal Government—and Tier III organizations, on the other hand, which are swept into the definition of ''terrorist organization'' as a result of their conduct. The State Department's FTO list includes some of the most bloodthirsty terrorist organizations on the planet. The list includes groups such as al-Qaida, Hamas, Hezbollah, and the Salafist Group for Call and Combat. By precluding nonapplicability determinations with regard to persons tied to these groups, section 691 not only helps to protect the U.S. homeland from terrorism—it also contributes to making these groups radioactive in the foreign countries where they are based. Joining or helping one of these groups or accepting military training from them will bar an individual from ever being allowed to enter or reside in the United States, in all cases and without exception. And making these groups radioactive makes it more difficult for them to recruit members or to carry out terrorist attacks.

Information that has been developed in hearings before the Senate Judiciary Committee explains why it is imperative that the United States discourage individuals from providing any type of aid or material support to foreign terrorist organizations. In an April 20, 2005, hearing before the Terrorism Subcommittee, for example, Barry Sabin, the Chief of the Counterterrorism Section of the Justice Department's Criminal Division, explained how the provision of material aid to terrorist groups is critical to the functioning of these organizations. Mr. Sabin noted:

> We know from experience that terrorists need funding and logistical support to operate. They need to raise funds, open and use bank accounts to transfer money, and to communicate by phone and the Internet. They need travel documents. They need to train and recruit new operatives, and procure equipment for their attacks.

It is also important to emphasize that all provision of material support to terrorist organizations is bad. There is no such thing as ''good'' aid to a terrorist organization, because all aid is fungible and can be converted to evil purposes, and because even humanitarian aid can be used by a terrorist organization to help it to recruit new members. These points were developed in detail in answers to written questions provided by Chris Wray, the Assistant Attorney General for the Criminal Division, following a May 5, 2004, hearing before the Judiciary Committee. Mr. Wray explained why there is no such thing as benign material support to a designated foreign terrorist organization:

> First, because material support of any kind is fungible and frees up resources that may then be used to promote violence, the provision of any material support facilitates and furthers the organization's unlawful and violent activities regardless of the benign intent of the donor. As the Ninth Circuit recognized in rejecting the argument that 18 U.S.C. section 2339B is unconstitutional because it proscribes the giving of material support even if the donor does not have the specific intent to aid in the organization's unlawful purposes, ''Material support given to a terrorist organization can be used to promote the organization's unlawful activities, regardless of donor intent. Once the support is given, the donor has no control over how it is used. *Humanitarian Law Project* v. *Reno*, 205 F. 3d 1130, 1134 (2000).
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> Even support designed and intended to encourage a group to pursue lawful, nonviolent means to achieve its ends may be used to further the organization's violent aims.
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> [S]ome terrorist organizations use their humanitarian activities as an integral part of an overall program that includes murdering innocent civilians and assassinating government officials. For example, one expert on terrorist organizations, Matthew Levitt, describes in ''Hamas from Cradle to Grave,'' Middle East Quarterly, Winter 2004, at 3–15, that this foreign terrorist organization is one unified body, and that its social welfare organizations, supported by numerous charities, answer to the same leaders who set Hamas political and terrorist policy. Levitt describes how Hamas charity committees, mosque classes, student unions, and sport clubs serve as places where Hamas activists recruit Palestinian youth for terrorist training courses in Syria and Iran, or for suicidal terrorist attacks. And, he discusses how a single soccer team from the Jihad mosque in Hebron has produced several Hamas terrorists responsible for five suicide bombings in 2003.
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> Even more frightening, Levitt explains how Hamas charities, social service organizations, hospitals, schools, and mosques openly laud suicide bombings. Hamas-run schools and summer camps begin indoctrinating children as early as kindergarten for later use as suicide bombers. As Levitt notes, Palestinian children raised in this environment make willing terrorist recruits. This program is accomplished in significant part by the multi-faceted nature of Hamas, which gains strength through its humanitarian and charitable activities in the community.
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> Thus, even if individuals are providing material support, such as money, for groups like the Hamas, and are somehow able to ensure that this money is spent by these FTOs only for humanitarian activities, such as a school, the problem remains that this money enables these groups to gain more general support, loyalty, and popularity among the local people and to earn a measure of legitimacy. This support and legitimacy then allows groups such as Hamas to recruit suicide bombers, as well as accomplices to provide critical services such as transportation, lodging, and local intelligence for terrorist operations. Accordingly, even those who are providing material support with the sincere hope and assurance that their money is not being used directly for terrorism are nevertheless providing groups such as Hamas with the type of overall support they need in order to operate successfully as terrorists.

Section 691 of the Consolidated Appropriations Act also bars the extension of a non-applicability determination to any alien who has voluntarily and knowingly received military-type training from a Tier I or II terrorist organization. Again in his April 20, 2005, testimony before the Terrorism Subcommittee, Counterterrorism Section Chief Barry Sabin explained why individuals who have received such training are dangerous to the United States and why an individual's participation in such training benefits the terrorist organization. Mr. Sabin explained:

> Various investigations have uncovered individuals who have traveled overseas to training camps to receive military-style training. These individuals, who in many cases have received firearms and explosives training, appear to be preparing to conduct terrorist activity or violence and pose a clear threat here and abroad. Investigations have also disclosed that attendees sometimes maintain longstanding relationships with other training camp ''alumni,'' who may later seek to recruit and utilize them in their plots. In an even more basic way, a trainee's participation in a terrorist organization's training camp, without more, benefits the organization as a whole. By attending a camp, an individual lends critical moral support to other trainees and the entire organization, a support that is essential to the health and vitality of the organization.

Section 691 also clarifies that the decision to extend or to not extend a nonapplicability determination to a particular group or individual is not subject to judicial review. A decision as to whether a particular individual or group that would otherwise be within the scope of a section 212(a)(3)(B) bar should instead be deemed outside the scope of that bar is a decision that is inherently executive in nature. Such a decision will often involve consideration of classified information that would be compromised if litigated in open court, and it will involve sensitive judgments about which terrorist groups are more dangerous than others.

Vesting this discretion solely in the executive allows executive officers to consider the full range of information about a particular group that is available to the State Department, the Justice Department, Homeland Security, and to intelligence agencies. It allows the executive to decide that some groups are less dangerous and therefore the REAL ID bars may be deemed to not apply to activities tied to that group, and that other groups are extremely dangerous and that even tenuous connections to such a group should serve as grounds for exclusion, with no exceptions allowed.

Were decisions about nonapplicability to be made in the courts, their precedent-based system of decisionmaking would require the courts to extend the same ''rights'' to members of one group as had extended to the last group whose case was reviewed. What is sufficient to justify a nonapplicability determination with regard to the FARC in Columbia, for example, would also be good for al-Qaida. By keeping these non-applicability decisions out of the courts, section 691's amendments to INA section 212(d)(3)(B) allow the Government to take the common-sense approach of treating different groups differently based on how violent they are and how much of a threat they pose

to the United States. For that reason, section 691 does not allow judicial relief from an executive determination. Rather, it is the executive alone that will decide whether a bar should be inapplicable—that it should not even apply to the alien in the first instance.

Subsection (b) of section 691 statutorily exempts several groups from the definition of ''terrorist organization'' for purposes of INA section 212(a)(3)(B). These groups—which include Hmong and Montagnard groups that fought alongside the United States in the Vietnam War—have already been cleared by the administration and do not pose a threat to the United States. This subsection will immediately resolve any legal ambiguity as to these groups' status.

Subsection (c) of section 691 corrects a technical error in the original REAL ID Act. With this change, the otherwise-automatically-deportable spouse or child of a barred alien is not barred if the spouse or child did not know of the husband/father's terrorist activity or has renounced that activity.

Subsection (d) designates the Taliban as a Tier I terrorist organization for immigration purposes. As a result of the distinctions drawn in subsection (a) of section 691, this designation will render individuals tied to the Taliban ineligible for most waiver authority.

Subsection (e) requires a report by the Department of Homeland Security on the use of its authority to waive material-support bars on grounds of duress.

Subsection (f) makes all of these changes apply retroactively.

I think that section 691 reaches a reasonable compromise that allows removal of the applicability of the REAL ID immigration bars for groups and individuals to whom those bars should not apply, but allows REAL ID to continue to protect the United States and its citizens from foreign terrorist organizations. I would like to thank Tim Rieser of Senator LEAHY's staff, and Jennifer Daskal, on detail to Senator LEAHY, for working with my staff to draft this section. Whom to exclude from the United States for terrorism-related reasons is a difficult and very serious matter, and one that I am glad has been the subject of a carefully developed bipartisan compromise in this bill.

Mr. MCCAIN. Mr. President, fiscal year 2008 began 79 days ago. And yet here we are at the end of the calendar year—with Christmas one week away—and everyone scrambling to finally get our work done and get out of town. This process, and the monstrosity it has produced, is the height of irresponsibility. We owe the taxpayer more than this.

In the past, I have stood here on the Senate floor to speak about how our economic situation and our vital national security concerns require us to take greater effort in prioritizing our Federal spending and that we could no longer afford, literally, ''business as usual.'' Actually, Mr. President, what we have before us is even worse than business as usual because the bill we received from the House provides not a single penny to fund our ongoing mission in Iraq. We are at war and our men and women serving in Iraq today continue to face a fierce and determined enemy—and this bill does not fund their mission. The omission of Iraq funding is no more than a political stunt—and we all know it. What kind of message does this send to those brave men and women in the field?

Unfortunately, little has changed over the years. Here we are again, nearly 3 full months into fiscal year 2008, and we have before us another appropriations monster. Let me remind my colleagues that, because of our inability to get much done around here under the regular order, we have been forced to consider huge omnibus appropriations bills and one long-term continuing resolution in 5 of the last 6 fiscal years.

The bill before us today is more than 1,400 pages long and is accompanied by a joint explanatory statement that was so big they couldn't even number the pages. This bill consolidates 11 of the 12 annual appropriations bills with a price tag of nearly $475 billion. Amazingly, this bill contains 9,170 earmarks. Add those to the 2,161 earmarks that were contained in the Defense appropriations bill and the grand total for fiscal year 2008 earmarks stands at 11,331 unnecessary, wasteful, run-of-the-mill pork barrel projects. And that is just for the House and Senate-passed bill. I can only imagine what this will look like when it comes out of conference.

A New York Times/CBS News poll that was released today shows that the approval rating of Congress stands at 21 percent. Can we blame the American people for holding us in such low esteem? Let's look at how we are spending their hard earned tax dollars.

Here is just a sampling of some of the earmarks contained in this bill: $150,000 for the STEEED, Soaring Toward Educational Enrichment via Equine Discovery, Youth Program in Washington, DC. Basically this is an earmark of $150,000 so that disadvantaged kids can ride horses; $50,000 for the construction of a National Mule and Packers Museum in Bishop, CA; $100,000 for Cooters Pond Park in Prattville, AL; $625,000 for the Historic Congressional Cemetery right here on Capitol Hill; $1.95 million for the City College of NY for the Charles B. Rangel Center for Public Service; $975,000 for the Clinton School of Public Service at the University of Arkansas, Little Rock, AR; $1.628 million for animal vaccines in Greenport, NY; $477,000 for Barley Health Food Benefits in Beltsville, MD; $244,000 for Bee Research in Weslaco, TX; $10 million to Nevada for the design and construction of the Derby Dam fish screen to allow passage of fish; $1.6 million for sensitivity training for law enforcement in Los Angeles; $1.786 million to develop an exhibit for the Thunder Bay National Marine Sanctuary in Michigan; $846,000 to the Father's Day Rally Committee in Philadelphia, PA; $125,000 for International Mother's Day Shrine in Grafton, WV; $470,000 for an Oyster Hatchery Economic Pilot Program, Morgan State University, MD; $446,500 for Horseshoe Crab Research, Virginia Tech, VA; $125,000 for the Polish American Cultural Center in Philadelphia, PA; $400,000 for the National Iron Worker's Training Program; $350,000 for leafy spurge control in North Dakota; $1.725 million for the Hudson Valley Welcome Center in Hyde Park, NY.

This omnibus was made available just yesterday, yet approved by the House last night. Imagine that—a 1,445 page bill, with a joint explanatory statement that is nine inches tall and costs $475 billion was made available and voted on by both chambers in less than 48 hours. Simply remarkable. It is impossible for us to know exactly what is in this thing, and we are expected to simply take the appropriators word that it is all okay. Well, I have been around here long enough to know that a bill of this size, put together behind closed doors and rammed through at the last minute, cannot be all good. And I know it will be a long time before all of the hidden provisions in this legislation are exposed.

I fully recognize that it isn't necessarily the fault of the appropriators that we are forced into this new pattern of adopting omnibus appropriations measures. Overly partisan politics has largely prevented us from following the regular legislative order, and that fact must change. But while it may not be the appropriators fault that we are forced to consider omnibus appropriations measures, it is their decision to continue to load them up with unauthorized earmarks and at a rate that seems only increases year after year.

When we ram through a gigantic bill, spending hundreds of billions of taxpayer's dollars with little or no debate because we want to go home for Christmas, we send the message to the American people that we are not serious enough about our jobs. We essentially accomplish little almost all year long because everything requires 60 votes, and then, at the very last minute, we scramble around and throw together a mammoth bill like the one before us today. We are sending the signal that it is more important for us to be able to issue press releases, and I am sure hundreds of them will be going out today, about how much pork we have been able to get for our States and districts, than we are about good government and fiscal responsibility. How can we, in good conscience, defend this behavior to the American people?

Among the most egregious aspects of this bill are the so-called ''economic development initiatives'' funded under the Department of Housing and Urban Development. This account is nothing more than a slush fund for the appropriators—plain and simple. Contained

within this section of the joint explanatory statement are 741 locality-specific earmarks costing nearly $180 million. These pork barrel projects are spread out over 42 pages and fund everything from construction of coastal trails, nature education centers, public parks and renovations for museums and theaters.

On defense matters, the omnibus appropriations bill proposes funding $1.18 billion in military construction projects that were not requested by the President. Of that amount, $584 million was vetted by both the Senate Armed Services and Appropriations Committees to ensure that the services' critical unfunded priorities requirements were met. On the Senate floor, those projects were further reviewed, and approved in the Senate versions of the authorization and appropriations bills.

However, this bloated omnibus appropriations bill also includes another $580 million—for 108 military ''airdropped'' construction projects, that is, funding for projects that were not included in any previous appropriations bill passed by the House or Senate. The House appropriators have once again waited until the last minute to present these new spending items to skirt responsibility for their pork spending. Mr. President, in the ethics reform law we passed with much fanfare earlier this year, we amended Senate rule 44 specifically to discourage such ''airdropping'' of projects in the dead of night. In an unprecedented and unfortunate act, the majority accepted $328 million of airdropped military construction authorizations into the recently passed national defense authorization bill. It was in part for this reason that I reluctantly decided not to sign the defense authorization conference report. I could not then, and cannot now, support the parachuting of new spending items into final reports that have not been transparently vetted on the floor of Congress. I am very disappointed that we in the Senate continue to condone this irresponsible practice in light of our efforts to prevent it with ethics reform.

The omnibus appropriations bill also earmarks over $41 million for the planning and design of pork military construction projects requested by Members of Congress. Congress normally authorizes funding annually for each military service to plan and design their critical future military construction priorities. This bill disregards the military's priorities and earmarks funds towards specific projects—without the Department being given the opportunity to determine whether or not those projects reflect actual military requirements.

Even more egregious is that we are proposing to pay for this airdropped pork by cutting over $900 million from the amount of $8.1 billion requested by the President to carry out the critical military construction activities related to the 2005 defense base closure and realignment round. The Department of Defense and the local communities affected by BRAC need enough funding to meet the statutory deadline of September 2011. To underfund BRAC in order to pay for earmarks is a sad reflection on the priorities of this Congress, which has again unabashedly put parochial interests above the needs of the Defense Department, our local communities and the American taxpayer.

We simply must start making some very tough decisions around here if we are serious about improving our fiscal future. We need to be thinking about the future of America and the future generations who are going to be paying the tab for our continued spending. It is simply not fiscally responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending, and good deals for special interests and their lobbyists. We have had ample opportunities to tighten our belts in this town in recent years, and we have taken a pass each and every time. We can't put off the inevitable any longer.

In a report on our long-term budget outlook issued this month, the Congressional Budget Office states this: ''Significant uncertainty surrounds long-term fiscal projections, but under any plausible scenario, the federal budget is on an unsustainable path—that is, federal debt will grow much faster than the economy over the long run. In the absence of significant changes in policy, rising costs for health care and the aging of the U.S. population will cause federal spending to grow rapidly.''

The report goes on to say that: ''If outlays increased as projected and revenues did not grow at a corresponding rate, deficits would climb and federal debt would grow significantly. Substantial budget deficits would reduce national saving, which would lead to an increase in borrowing from abroad and lower levels of domestic investment that in turn would constrain income growth in the United States. In the extreme, deficits could seriously harm the economy. Such economic damage could be averted by putting the nation on a sustainable fiscal course, which would require some combination of less spending and more revenues than the amounts now projected. Making such changes sooner rather than later would lessen the risk that an unsustainable fiscal path poses to the economy.'' Again—this is not my dire prediction, it comes from our own CBO.

To underscore the urgency of the problem, in a speech at The National Press Club just yesterday, David Walker, the Comptroller General of the United States announced that—for the eleventh straight year—the Federal Government failed its financial audit. Mr. Walker said that ''the federal government's total liabilities and unfunded commitments for future benefits payments promised under the current Social Security and Medicare programs are now estimated at $53 trillion, in current dollar terms, up from about $20 trillion in 2000. This translates into a defacto mortgage of about $455,000 for every American household and there's no house to back this mortgage. In other words, our government has made a whole lot of promises that, in the long run, it cannot possibly keep without huge tax increases.''

The Comptroller General also highlighted a specific program that serves as an example of the serious problems we face. He said: ''The prescription drug benefit alone represents about $8 trillion of Medicare's $34 trillion gap. Incredibly, this number was not disclosed or discussed until after the Congress had voted on the bill and the President had signed it into law. Generations of Americans will be paying the price—with compound interest—for this new entitlement benefit.'' He went on to note that: ''Unfortunately, once federal programs or agencies are created, the tendency is to fund them in perpetuity. Washington rarely seems to question the wisdom of its existing commitments. Instead, it simply adds new programs and initiatives on top of the old ones. This continual layering is a key reason our government has grown so large, so expensive, so inefficient, and in some cases, so ineffective.''

Mr. Walker ended his speech by saying ''If all of us do our part, and if we start making tough choices sooner rather than later, we can keep America great, ensure that our future is better than the past, and ensure that our great nation is the first republic to stand the test of time. To me, that is a cause worth fighting for.'' I agree wholeheartedly. And I say to my colleagues: Let's start making those tough choices today. We have to face the facts, and one fact is that we can't continue to spend taxpayer's dollars on wasteful, unnecessary pork barrel projects or cater to wealthy corporate special interests any longer. The American people won't stand for it, and they shouldn't. They deserve better treatment from us.

ST. JOHN'S BAYOU/NEW MADRID FLOODWAY

Mrs. BOXER, Mr. President, I wish to speak to the intent of section 123 of title I of division C of the bill, which addresses the Corps of Engineers project—Saint Johns Bayou/New Madrid Floodway. As the chairman of the Committee on Environment and Public Works with jurisdiction over the Corps of Engineers, the Clean Water Act and the National Environmental Policy Act,

I offer my understanding of section 123. Section 123 does not interfere with or overturn any court decision concerning this project with regard to either or both of the Clean Water Act and the National Environmental Policy Act. The language provides that the project as described in the June 2002 Revised Supplemental Impact Statement, as supplemented by the March 2006 Revised Supplemental Environmental Impact Statement 2 is determined to be economically justified.

The language does not affect the application of the Clean Water Act and NEPA to this project. Because of the specific reference to the project documents, the language in section 123 does not alter legal requirements regarding cost/benefit analysis for subsequent or revised project documents, including environmental impact statements, or any requirements with regard to NEPA and the Clean Water Act.

Mr. CARDIN. Mr. President, nearly a year ago, when President Bush announced his decision to send 30,000 additional troops to Iraq, he predicted that increased U.S. troop levels would stabilize the country so that its national leaders could reach political agreement. More troops would enable us to accelerate training initiatives so that the Iraqi army and police force could assume control of all security in the country by November 2007. According to this plan, the Iraqi army and police force were to assume control of Iraq's security last month.

Well, the information before us in December, like the reports before us in September and July, show us that President Bush's troop escalation hasn't delivered on the President's promises. It has failed to stem the civil war going on in Iraq, failed to allow Iraqi forces to take control over their own security, and failed to lead to political reconciliation. That failure was clear when I last came to the floor to discuss this issue in September, and it is clear today.

With troop levels still 24,000 above where they were a year ago, and with no plans to lower them below pre-surge levels, not even President Bush's claims that substantial progress toward the ultimate goal of the escalation—political reconciliation—has occurred. There have been no agreements on de-Ba'athification reform, oil revenue sharing, provincial elections, or amnesty laws, nor has the Iraqi government or the Administration offered a clear plan for achieving a sustainable political reconciliation. Just 2 days ago, LTG Raymond Odierno, the No. 2 commander of U.S. forces in Iraq, was quoted pleading with the Iraqi government to make progress on national reconciliation and improving basic services.

Our country's resources remain locked in Iraq. Iran is emboldened. Insurgent violence is at its highest level in Afghanistan since U.S.-led forces first ousted the Taliban and our military reports signs of al Qaeda is returning to Afghanistan from Iraq. Pakistan is facing political turmoil and Turkey has begun military incursions into Iraq's Kurdish regions.

We have to change our mission in Iraq. The cost of further delay in lives, matériel, treasure, and our standing in the world is too great. The United States cannot impose the political reconciliation necessary to bring long-lasting security to that nation. It is time to direct our resources toward the rest of the region and to needs here at home.

A new policy begins by removing our troops from the middle of a civil war and giving them a more realistic mission, one that is in the best interests of Iraq and the United States. Given the facts and the realities independent reports provide us, I continue to support an amendment, this time sponsored by Senators FEINGOLD and REID, to change our mission in Iraq from providing security and services to a focus on training, counter-terrorism and force protection.

I voted against an amendment to add $40 billion to the omnibus spending package without any limits on the President's use of that money. The military has no immediate need for additional funds for Iraq. Congress just passed a $456 billion Defense Appropriations bill. The omnibus provides the Army and Marine Corps an additional $20 billion. Given the Department of Defense's ability to shift funds, this money should pay for the war through March. We will have a chance to vote on additional funding next year when we will have more information about trends on the ground in Iraq.

Further, while negotiating this year's spending levels this President has vetoed additional health and education funding and refused to negotiate over a modest increase in overall appropriations to fund critical needs here at home, and he continues to insist Congress fund a failed strategy in Iraq. The President's intransigence undermines our position in the world and has left this Congress fewer resources to direct toward priorities here at home. Those are the wrong priorities for our nation.

The world has an interest in a safe and secure Iraq. It is time to take steps to protect our troops and our all volunteer force, change the mission, step up our diplomatic efforts, and internationalize the effort to bring stability to that country and to the Middle East.

We don't need additional funds for Iraq, we need a new direction.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to discuss one provision of the fiscal year 2008 Omnibus appropriations bill which is of great importance to the security of our nation, and of particular importance to my State of New Jersey. That is Section 534, which will overturn the Department of Homeland Security's efforts to preempt the rights of State and local governments to adopt chemical security protections stronger than the standards adopted by the Federal Government.

The effort by DHS to prevent States from going beyond the measures adopted by DHS to protect their residents from terrorist attacks on chemical facilities was never authorized by Congress, and the inclusion of my provision overturning the Department's effort represents a strong rejection by Congress of the Department's attempt to do so.

Opposition to the Department's efforts has been widespread and bipartisan, including from the National Governor's Association, the National Conference of State Legislatures and the Chairmen of the 9/11 Commission, Representative LEE Hamilton and former New Jersey Governor Tom Kean. Nevertheless, DHS continues to insist that its partnership with industry rather than a partnership with States—will be sufficient to protect the American public. By including this provision in the omnibus bill, Congress is making clear that the role of State and local governments is not to be undermined by the Department of Homeland Security.

The provision included in the omnibus bill amends Section 550 of the Department of Homeland Security Appropriations Act, 2007 to clarify that DHS does not have the authority to preempt State or local governments from adopting chemical security measures stronger than those adopted by DHS. The language in this bill will allow States to go beyond the Federal regulations as long as there is no actual conflict with the Federal regulations. This means that unless it is impossible to comply with both State and Federal law, the State law is not preempted. Determinations on whether it is impossible to comply with both State law and Federal law are properly decided by the Federal courts, and DHS should not be prejudging or interfering with this determination.

While we all wish it were not so, the threat of terrorists using our chemical plants as a mechanism for killing hundreds or thousands of citizens is not far-fetched. It was reported as far back as December 2001 that chemical trade publications had been found in a hideout in Afghanistan used by Osama bin Laden. Numerous Government agencies and independent bodies have identified the Nation's chemical facilities as an attractive target for terrorists. And New Jersey has good reason to be concerned about a terrorist attack on a facility storing large amounts of dangerous chemicals. The FBI has called the stretch between Port Newark and Liberty International Airport ''the most dangerous two miles in America.'' According to a 2005 CRS report, 7 of the 111 sites identified by EPA that could put more than 1 million people at risk in the event of an attack or serious accident are in New Jersey. According to the same report, up to 7 facilities in New Jersey put up to 1 million people at risk, and up to 20 more facilities pose a risk to up to 100,000 people.

I want to thank the leadership of the Appropriations Committee and my colleagues in the Senate and the House for their support for including this critically important national security provision in the Omnibus appropriations bill.

Mr. SANDERS. Mr. President, like many of my colleagues, I worked very hard to assure that, given the veto threats of President Bush, the Omnibus appropriations bill was as strong as it could be. In that regard, we have made some real progress. Unfortunately,

however, this bill contains $40 billion for Iraq operations, with no strings attached the money to be used as the President wishes, with no accountability for when our involvement in Iraq will end. With expenditures of $12 billion a month, it is now estimated that the total cost of our Iraq involvement will end up being more than $1 trillion.

I cannot support providing more money for continuing our ill-conceived and tragic presence in Iraq, money provided with no requirement for plans as to when the redeployment will begin, when it will be concluded, and what our future course in Iraq will be. Consequently, I will vote against the Omnibus appropriations bill.

My vote against this bill also reflects genuine concern regarding last-minute additions of loan guarantees for questionable energy sources, which move us in exactly the wrong direction. More specifically, the report language accompanying the Omnibus appropriations bill provides $18.5 billion in loan guarantees for nuclear powerplants, $2.0 billion in loan guarantees for uranium enrichment, $6.0 billion in loan guarantees for coal, which I have reason to believe includes coal to liquids, and $2.0 billion in loan guarantees for coal gasification, which I also fear could be used for coal to liquids. It is, quite frankly, beyond belief that we would be passing legislation to support these questionable energy sources. In my view, we should be doing everything we can to transform our energy system so as to move away from unsafe and polluting sources to energy efficiency and sustainable and renewable technologies. Congress can, and must, do better.

Mr. INHOFE. Mr. President, now December 18 and we are all anxious to get home. Additionally tomorrow is my 48th wedding anniversary. That's why I want to get home. Standing in our way is final disposition of the 2008 appropriation bills. The leadership has brought before us an omnibus bill that combines the remaining 11 regular appropriation bills not yet signed by the President. That in and of itself is a failure. Instead of working to pass the annual appropriations bills and ensure the continued operation of our Government, congressional Democrats have spent the majority of the 110th Congress playing political games with critical funding for our troops, attempting to pass surrender resolutions, and pushing a path to amnesty for the millions of illegal immigrants in our Nation. Two months past the end of the fiscal year, Congress only managed to pass one of the annual appropriations bills, instead choosing to roll billions of dollars in funding into an Omnibus appropriations bill hours before Congress is supposed to recess for the year. In fact, this year we observed the latest date in 20 years that Congress failed to send a single annual appropriations bill to the President's desk. This Democrat-controlled Congress should be labeled as nothing but irresponsible. Additionally, I am here to point out that this bill violates rule XVI of the Standing Rules of the Senate because it is legislating on an appropriations bill.

Title I of Division C, which appropriates money for the Civil Works program of the Army Corps of Engineers, the following projects have either not yet be authorized or the amounts appropriated for them under this bill exceed the authorized levels:

Louisiana Coastal Protection and Restoration study; coastal Mississippi hurricane and storm damage reduction study; rural health care facility on the Fort Berthold Reservation of the three affiliated tribes; North Dakota environmental infrastructure project.

During consideration of H.R. 1492, the Water Resources Development Act, Public Law 110–114, I elaborated for my colleagues in great detail the history and function of the authorization process and stated that I would oppose any appropriation bill that attempted to fund projects either not previously authorized, or above their authorized level. As I made clear in my statements on September 24 prior to passage of the conference report and again on November 8, prior to the Senate's veto override vote, the authorization process is the foremost mechanism we have to control spending. We are violating it in this bill.

In addition to these increases in spending, the omnibus includes numerous provisions authorizing or modifying other projects and policies of the Corps in nonspending ways. These legislative provisions, too, should be decided within the authorization process, not in an omnibus appropriations bill.

Just over a month ago, we authorized $23 billion in projects for the Corps of Engineers, and Chairwoman BOXER and I have already begun discussions on a new authorization bill for 2008. So, I have to ask why are we violating not only the Standing Rules of the Senate, but creating an opportunity for criticism on our ability to control spending. It makes no sense, it is not necessary and I believe goes to the heart of why the public has such a low opinion of Congress. They don't trust us. Why should they, we cannot seem to follow our own rules.

Before I close, I would like to point out one more area of unnecessary and irresponsible legislating in this omnibus appropriation bill. There are several provisions to address climate change scattered throughout the bill. These provisions include creation of new requirements and a new mitigation incentives fund for the Economic Development Administration, in title I of Division B; a sense of Congress with a call for a mandatory program to reduce greenhouse gas emissions, in Division F; and the creation of a mandatory greenhouse gas registry, in title II of Division F, which appropriates money for the Environmental Protection Agency. We are in the middle of a regular order process for the consideration of climate change legislation. To include these provisions now, at the last minute on an omnibus, is a total affront to that process.

The proposed registry language is a completely standardless grant to the EPA, possibly an unlawful delegation of Congress' power to legislate. The language directs EPA to develop a mandatory reporting program of greenhouse gas emissions ''above appropriate thresholds in all sectors of the economy of the United States.'' There are no other standards or directions to the Agency. There are no standards by which a reviewing court can judge EPA's actions.

This registry language should be removed or, at a minimum, allowed to sunset at the end of fiscal year 2008 without implementation or effect.

In another provision, the appropriators express concern about proposed new power plants in Texas. This provision, at the very least, should refer to all fossil fuel generation, not just single out coal-fired generation.

Colleagues, I have no illusions that my attempt here today to bring about discipline on the spending process will succeed, but I cannot allow the bill to go through without registering in the strongest possible terms my objections to what we are doing here today.

I have no doubt that each of the Army Corps projects mentioned above have merit, and I would be happy to work with the sponsors, as would, I am sure, Chairwoman BOXER, during the authorization process, but doing it now is wrong. It violates our rules, it removes discipline from the process.

Mr. NELSON of Nebraska. Mr. President, I rise today to speak in support of the consolidated appropriations bill before the Senate and to discuss one small part of the bill that is an important component to our many efforts to advance the biofuels industry and to wean our nation off of its reliance on oil.

In the Energy and Water Appropriations bill, the Senate Appropriations Committee provided $2 million to the Department of Energy for ''E–85 infrastructure deployment.''

I want to highlight the importance of this funding and stress the need for DOE to utilize this money in the most cost efficient and effective manner possible.

E85 is an alternative form of transportation fuel that consists of 85 percent ethanol and 15 percent gasoline. It has been developed, in part, to address American's air quality issues and its dangerous dependence on foreign oil.

Currently, there are over 6 million E85 capable vehicles on the Nation's highways, and the use of E85 in these vehicles has the potential to significantly reduce the Nation's dependence on foreign oil, add billions to total farm income, help improve rural and the American economies, and help reduce levels of greenhouse gas emissions.

Recognizing the importance of E85, President Bush and Secretary of Transportation Mary Peters participated with the CEOs of General Motors, Ford, and Chrysler in an event on March of 2007, where they announced the growth in the production of flexible-fuel vehicles, FFVs, that can run on E85.

The automakers pledged to double their existing production of flexible fuel vehicles by 2010. They also pledged that by 2012 fully 50 percent of all vehicle production would be FFVs.

This pledge, however, was predicated on the fact that adequate fueling infrastructure would be available by that time to fuel the millions of additional E85-compatible vehicles.

It is the responsibility of Congress to provide adequate funding to help advance the deployment of E85 fueling infrastructure. I was encouraged then that the Senate elected to set aside $2 million for this purpose in the Energy and Water Appropriations bill. Once finalized, it will become the Department of Energy's responsibility to allocate this funding to the entity that can provide the most effective and cost-efficient service.

As Governor of Nebraska I helped create the Governors' Ethanol Coalition. In 1997, this coalition, along with the National Corn Growers Association, domestic automakers, and others, established a group named the National Ethanol Vehicle Coalition, NEVC, to be the Nation's primary advocate for the use of E85 ethanol as an alternative to oil-based transportation fuel.

Working with its many partners, NEVC maintains the primary national database on E85 fueling locations, E85 fuel providers, and comprehensive data on the technical requirements necessary to install E85 fueling systems. NEVC also provides the marketing and promotional materials used by all E85 fueling stations in the nation.

NEVC accomplishes all of these actions in a cost effective, timely, and prudent manner. In addition to having assisted with the opening of 1,413 existing stations, NEVC has provided assistance to station operators for securing reasonably priced supplies of ethanol. NEVC has also provided assistance regarding State and Federal tax credits and the materials needed for proper marketing and promotion by these stations.

NEVC has an extensive background, high level of technical competence, and vast experience in establishing and maintaining E85 fueling facilities, and they have proven themselves capable of effectively delivering assistance in a cost-efficient manner.

I note that there is broad consensus that additional alternative fueling infrastructure is needed in this country, and I stress the need for DOE to wisely use the limited funds we have made available.

As such, Mr. President, I strongly urge the Department of Energy to work closely with NEVC and give them all due consideration when it is expending the funding Congress has provided to meet the needs and goals for E85 fueling stations.

Mr. CORNYN. Mr. President, it is no secret that every Senator who comes to Washington, DC, comes with a few select issues in mind which he makes his own, and which he takes a particular interest in. For me, open and transparent government has been one of those issues.

From my time as a Texas lawyer, supreme court justice, and attorney general I know firsthand the importance, but also the difficulty of creating and enforcing open government and the free flow of information. I have always taken to heart, however, the words of James Madison, who once declared: ''The advancement and diffusion of knowledge is the only guardian of true liberty.''

Of course, I have the advantage of coming from Texas, one of the strongest States in terms of free information and open government. In Texas, it is a matter of principle that everyone should be able to quickly and easily find out what their government is doing and how.

That is why I was so pleased last week when the Senate passed the Openness Promotes Effectiveness in our National Government, or OPEN Government Act of 2007. Now, the House has likewise passed this important bill, and I eagerly await the President signing it into law.

I have to thank my colleagues, the chairman of the Judiciary committee, Senator LEAHY, and Lydia Griggsby of his staff; Senator KYL, and Joe Matal of his staff; and two of my former chief counsels, James Ho and Reed O'Connor. Without their hard work, we wouldn't be celebrating this legislative victory today.

I have spoken on several occasions in this Chamber about the importance of reforming and updating the Freedom of Information Act, so that undue delays and onerous burdens which plague American citizens looking for information that they by right should have. After 40 years of FOIA there still remain pending requests for information more than a decade old. And many requests result in costly and drawn out lawsuits which effectively prevent the average citizen from receiving the information they deserve.

This bill will restore this most fundamental principle of a free and informed citizenry. It reinforces Lincoln's notion of a government ''of the people, by the people, for the people,'' placing information back in the hands of Americans. It is nothing short of a victory for democracy.

This bill restores meaningful deadlines with real consequences to the FOIA system, ensuring Government agencies will provide timely responses to requests. It creates a new system for tracking pending FOIA requests and an ombudsman to review agency compliance. At the same time it closes loopholes and strengthens FOIA law ensuring all journalists have equal access to information.

These reforms are long overdue, and are but a part of creating a government focused on openness. Still, I look forward to the President signing this bill and pacing the way for a culture of transparency in America. In my home of Texas, we have worked hard to establish the ideals of openness and transparency, and I know that the Nation can follow suit. It is in everyone's best interest to throw a little more sunshine on Washington, DC.

Ms. SNOWE. Mr. President, I rise today to draw your attention to a critical amendment that I am offering to the Omnibus appropriation bill. As ranking member of the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard, I am working with my colleagues in the New England delegation to seek support for this amendment. Our amendment would allow fisheries disaster relief funds to be made available to hard-hit fishermen in all New England States, not just Massachusetts as is currently stipulated

From the time the first Europeans arrived in the region that would become New England, fish—particularly groundfish such as cod and haddock—were the fundamental natural resource. It was said that fish were once so bountiful that one could walk across the Gulf of Maine on the backs of codfish. But today, our centuries-old tradition of groundfishing is at a critical juncture, and many of our fishermen are increasingly finding that they can no longer find enough fish to make a living in an industry that has sustained their families for generations. This is because ongoing requirements to rebuild New England's groundfishery have resulted in drastic cuts to the fishing industry and severe economic impacts to our fishing communities. Since 1996, groundfishermen in the Northeast Multispecies Groundfish Fishery have seen their allotted days-at-sea slashed by over 75 percent, from an average of 116 to just 24 days a year. This effectively closes the fishery 93 percent of the time.

I understand the need to reduce catch on a temporary basis in order to allow the stocks to rebound from decades of overfishing, but if we are going to have any fishermen left to harvest those rebuilt stocks, we must have Government assistance to sustain the fleet through this rebuilding period. The Maine groundfishing fleet already has been cut in half over the past 13 years, from more than 220 boats in 1994 to just 110 today. Groundfish landings in Maine are down 58 percent over that same time period. Shoreside support industries such as fish processors, and ice, bait and fuel suppliers have suffered similar losses—with jobs in fish processing and wholesaling dropping 40 percent, from nearly 3,000 jobs to less than 1,800 today.

Because of these severe economic impacts and their ramifications to shoreside infrastructure and the overall health of coastal communities, earlier this year the Governor of Maine appealed to the Secretary of Commerce, asking that he officially declare a ''fisheries failure'' in this region. Such a declaration under existing law would allow the release of vital disaster assistance to help minimize the devastating losses our fishing communities are experiencing.

Unfortunately, the Secretary of Commerce failed our fishermen, when he failed to make this declaration. He misinterpreted Congress's intent when, in the most recent reauthorization of the Magnuson-Stevens Fishery Conservation Management Act, we authorized disaster relief funding for fisheries crippled by overly onerous regulations. And that mistake was fueled by his decision to cherry-pick numbers and timeframes that provided a rosier analysis of the true cumulative economic impact of the groundfish regulations. It was his contention that the fishery was ''rebuilding.'' While this may be true, the fact remains: today, our fishermen are only allowed to work 24 days a year. If these are the regulations we require, I think that is evidence enough that the fishery should be considered a failure.

But given the Secretary's decision, and his rejection of numerous appeals to reconsider, it is now up to Congress to provide this vital economic relief, which will enable our fishing communities to survive while groundfish stocks rebuild over the next several years. But as it now stands in the omnibus, Congress is poised to repeat the mistakes made by the Secretary of Commerce by denying this relief where it is most needed.

Currently, the language in the bill would only allow disaster relief funding to groundfishermen in the State of Massachusetts. This language marks a significant departure from the New England delegation's past efforts to address the impacts of groundfish regulations. For nearly a decade, until this language appeared, my staff and I have worked closely with Senators KERRY and KENNEDY—as well our colleagues from other New England States—to develop and put forth a comprehensive, consistent, regional approach for achieving the goal of fairly and effectively helping our groundfishermen. The simple fact is that this is a regional fishery. Massachusetts fishermen are chasing the same fish as their Maine or Rhode Island or New Hampshire counterparts. And I am deeply troubled to see that this regional, cooperative approach has been abandoned by my colleagues from Massachusetts, and they now choose to ''go it alone'' without seeing that this is a regional crisis. After all, considering that devastating economic impacts have hit all New England States, especially Maine, it is simply unfair and unreasonable to keep this funding contained to one State.

We first worked to remedy this situation and restore a strong regional solution last October. When the Senate passed our Commerce-Justice-Science Bill, S. 3093, we included a Sununu amendment, which I cosponsored, that would have directed $15 million of the funds provided to the National Oceanic and Atmospheric Administration to be available to carry out disaster relief activities of the Magnuson-Stevens Act. To my great dismay—and without consultation to the New England delegation—the omnibus before us no longer contains the Senate-passed language allowing this disaster relief for New England's groundfishermen. The Senate must now act to restore this funding.

If we fail to do the right thing today, the result will be that disaster relief funding will go to only Massachusetts—arguably the State that needs it the least. For example, the port of New Bedford, MA consistently ranks first in the Nation in the value of fisheries landings. Fishermen brought $281.2 million worth of fish to New Bedford alone in 2006, continuing a 7-year trend of increasing value of landings. On top of that—Massachusetts fishermen are already set to receive approximately 6 million of additional fisheries mitigation funding from operators of a liquefied natural gas facility.

If Congress does not act to remedy this situation, we could be sounding the death knell for groundfishermen in other New England States. The fishermen in Maine, New Hampshire, Rhode Island, and Connecticut would simply be unable to compete with their counterparts in Massachusetts, who will soon find themselves awash in an influx of cash, boosting their bottom lines and increasing their competitiveness. This would be a grievous injustice—one that we cannot countenance.

For the sake of the hard-working groundfishermen throughout the other New England States, who have already endured years of costly regulations and are working hard to help stocks recover, I implore my colleagues to support this amendment. Congress must right the wrongs that continue to be carried out on our hardest hit fishermen and coastal communities.

Mr. LIEBERMAN. Mr. President, I rise today to support the fiscal year 2008 omnibus appropriations bill. I know it has been difficult to reach a compromise on this bill, and I realize that many funding levels for important programs were reduced so we could reach an agreement.

Despite these cutbacks, I believe we can still be proud of this bill. It contains considerable funding for counterterrorism and crime prevention, scientific and medical research, Pell grants, title I schools, special education, small business programs, consumer product protection, Amtrak, State and local first responder grants, and low-income energy assistance. To meet the President's top line budget number, my colleagues had to make hard choices. To their credit, the bill before us today prioritizes the most critical domestic programs in the Federal Government.

The omnibus also contains an additional $3.7 billion in emergency funding for veterans, constituting the largest increase in veterans' spending in the history of our Nation. $1.9 billion of the increase is targeted for VA medical services. This much needed funding will improve treatment for traumatic brain injury and post-traumatic stress disorder, two of the most prevalent injuries from the global war on terrorism.

I am also proud of what this bill will do for the people and communities of Connecticut. The money I requested will assist many worthy local efforts, such as hospital renovations, the construction of a small craft maintenance facility at Naval Submarine Base New London, a community college manufacturing technology program, and improvements to several intermodal transportation facilities.

I would like to clarify conference language concerning two specific projects in the bill. Currently, the Interior, Environment, and Related Agencies conference report lists a State and tribal assistance grant project as ''$300,000 for The City of Southington for wellhead cleanup.'' This language should be interpreted as if it stated ''$300,000 for the Southington Water Department for wellhead cleanup.''

The Labor, Health and Human Services, Education and Related Agencies conference report lists an Office of Museum and Library Services project as ''$97,000 for the Connecticut Historical Society, Hartford, CT for educational programs and interactive school programs at the Old State House.'' This language should be interpreted as if it stated ''$97,000 for the Connecticut Historical Society, Hartford, CT for educational programs and interactive school programs at the Old State House and the Connecticut Historical Society Museum.''

Once again, I commend the efforts of my colleagues on the consolidated appropriations bill for fiscal year 2008. They deserve hearty congratulations for their demanding work and considerable willingness to compromise.

Mr. COBURN. As we approach the end of the year, Congress once again finds itself on a last-minute spending spree, approving billions of dollars of new spending with few questions asked, no amendments allowed, and little debate, discussion, or inspection permitted.

The U.S. national debt now exceeds $9.13 trillion. That means almost $30,000 in debt for each and every man, woman, and child in the United States. The U.S. debt is expanding by about $1.4 billion a day, or nearly $1 million a minute. The unfunded liability placed on a child born today is $400,000.

The ''Financial Report of the United States Government'' released this week found that the Federal deficit would be

nearly 70 percent higher than the $162.8 billion reported 2 months ago if the Government used the same accounting practices as private firms. Accounting for such liabilities as pensions and health care costs when they are incurred rather than when they are paid would have boosted the deficit to $275.5 billion, the report noted.

It is completely irresponsible for Congress to add to this debt that threatens the retirement security of our senior citizens and the economic prosperity of our children and grandchildren who will inherit the debt that results from the spending decisions Congress is making today.

The Omnibus appropriations bill, which combines the 11 unfinished appropriations bills to fund the Federal Government's operations in fiscal year 2008, provides approximately $515.7 billion in discretionary spending. The bill also adds approximately $11 billion in emergency spending, of which $3.7 billion is contingent emergency spending for veterans programs.

This bill was approved by the House of Representatives last night, and the Senate will vote on it today, even though it has only been available now for 36 hours. The bill is more than 3,400 pages, and I am fairly certain that not a single Member of either chamber of Congress, or anyone else, for that matter, has read it in its entirety. What is most shocking, however, is that the eagerness of Members of Congress to recess for the year and to satisfy the desire to secure pork projects has taken precedent over our responsibility to properly manage the Nation's finances and set national spending priorities.

While this bill does not provide the funding that is needed for our brave men and women in uniform fighting on the front lines in Iraq, it does contains over 9,000 special interest pork projects, known as ''earmarks.''

''An earmark Christmas, Lawmakers deck out omnibus with many a spending project,'' proclaims the front page of the Hill newspaper. ''Earmark Extravaganza, Nearly 9,000 Requests in Omnibus,'' exclaims the front page of Roll Call.

Nearly 300 of the earmarks in this bill costing over $800 million were air dropped into this bill during closed-door meetings not open to the public or most Members of Congress.

Among the thousands of earmarked projects tucked into this bill are:

$113,000 for rodent control in Alaska;

$213,000 for olive fruit fly research in France;

$1,645,000 for the City of Bastrop, LA. According to Bastrop Daily Enterprise, ''The money is officially earmarked for the purchase of bulletproof vests and body armor. Bulletproof vests only cost about $700–800, however, so $1.6 million would appear to be overkill.'' Police detective Curtis Stephenson agrees, conceding ''There's no way we'd need that kind of money just to put all our people in vests.'';

$200,000 for a Hunting and Fishing Museum in Pennsylvania;

$150,000 for a Louis Armstrong Museum in New York;

$700,000 for a bike trail in Minnesota;

$1,000,000 for river walk in Massachusetts;

$200,000 for a post office museum in downtown Las Vegas;

$1,000,000 for an earmark requested by a House Member who has been indicted on Federal charges of racketeering, money-laundering and soliciting bribes;

$824,000 for alternative salmon products;

$146,000 for an aquarium in South Carolina;

$1,000,000 for managing weeds in Idaho; and

$37,000 for the Lincoln Park Zoo in Illinois.

It is hard to argue that any of these are national priorities or more important than funding the troops in Iraq or worth increasing the national debt. Members of Congress have, however, learned to rationalize the practice of earmarking, but the truth is every earmark diverts funds away from more important national priorities.

I filed two amendments to this bill that would have demonstrated this point that I had hoped to offer but was blocked from doing so. These amendments would have given Congress the opportunity to choose between improving deficient roads and bridges and providing health care to women and children before steering funds toward special interest earmarks.

The first amendment, 3860, would have allowed the Department of Transportation to redirect earmarked funds to improve unsafe roads and bridges.

On August 1, 2007, the Interstate 35 West, I–35W bridge over the Mississippi River in Minneapolis, MN, collapsed during rush hour, killing 13 people and injuring another 123. This tragedy exposed both a nationwide problem of deficient bridges as well as misplaced priorities of Congress, which has focused more on funding earmarks than improving aging infrastructure.

According to the U.S. Department of Transportation, one out of every eight bridges in our Nation is structurally deficient. Of the 597,340 bridges in the United States, 154,101 bridges are deficient. Yet, instead of addressing needed bridge maintenance, Congress has prioritized earmarks for politicians' pet projects, many which do not even involve roads or bridges.

The $286 billion, 5-year Transportation authorization bill approved by Congress in 2005, for example, included 6,373 earmarks, totaling $24 billion, including the infamous ''Bridge to Nowhere'' in Alaska.

An investigation by the inspector general of the Department of Transportation found that ''Many earmarked projects considered by the agencies as low priority are being funded over higher priority, non-earmarked projects.'' The IG notes that ''Funding these new low priority projects added to the already substantial backlog of replacement projects and caused [Federal Aviation Administration] to delay the planning of its higher priority replacement projects by at least 3 years.''

Earmarks have siphoned away tens of billions of dollars that could and should have been spent to upgrade deficient bridges or improve aging roads rather than being spent on politicians' pet projects.

The Senate has already rejected a similar amendment in September, and this bill shows once again that Congress is more interested in securing earmarks than securing our Nation's roads and bridges.

The second amendment, 3861, would have allowed the Department of Health and Human Services to redirect earmarked funds to the Maternal and Child Health Block Grant Program.

Congress has spent much of this year posturing about who cares most about providing health care for children and the uninsured. Yet Congress has failed to enact any reforms to expand health care access. According to the Kaiser Family Foundation, in this country there were 9.5 million children who lacked health insurance for at least part of last year, and over 17 million women are uninsured.

This amendment ensures that many of these uninsured women and children would receive services from the Maternal and Child Health Block Grant, which provides funding for urgent health needs for pregnant women, mothers, infants, children, and adolescents. It is shameful that Congress has diverted tens of millions of dollars in the health title of this bill towards special interest pork projects when millions of children and women do not have access to critical health care.

The Senate rejected a similar amendment in October, and this bill demonstrates once again that while Congress may talk about prioritizing children's health care, the real priority of Congress is its own special interest pork projects.

There are plenty of other examples in this bill of Congress's misplaced priorities. The bill, for example, terminates the Baby AIDS Program that provides resources to prevent perinatal HIV transmission and care for mothers with HIV, while ensuring that San Francisco receives funding for deceased AIDS patients. The bill provides another $100 million for the 2008 political party conventions. It allows the Department of Justice to again provide Federal financial support for groups linked to terrorism by removing the prohibition passed by the Senate in October.

Who know what other travesties are hidden within this 3,400 page omnibus spending bill that Congress is expected to pass without having time to read, review, or amend? Members of Congress may never know, and apparently few seem to care.

It should come as no surprise to anyone that the approval ratings of Congress have reached alltime historical lows.

Congress has ignored the needs of our troops in combat, the looming bankruptcy of Social Security and Medicare, and the nearly insurmountable national debt that threatens the future prosperity of our Nation while showing virtually no restraint on spending, especially for parochial pork projects.

Mr. CRAPO. Mr. President, I rise today to offer my distinct dismay with the outcome of what has become omnibus funding legislation for 11 of the 13 appropriations bills for fiscal year 2008. H.R. 2764 is a sad testament to Congress's inability to draft and pass responsible Federal funding legislation. I am very disappointed that critical funding for drug abuse education efforts, crime victims and, more specifically, victims of domestic violence has been stripped from this bill. Idaho will lose more than 10 percent of Victims of Crime Act Funding, money, incidentally, which was never supposed to be subject to the appropriations process in the first place. Furthermore, funding for programs that help victims of sexual assault in 15 cities in Idaho and a program that has helped thousands of Idaho schoolchildren learn of the dangers of Internet predators have been eliminated during the conference process on this omnibus spending bill. Justice assistance grants have been significantly reduced. The Office of National Drug Control Policy Youth Anti-Drug Media Campaign was significantly cut, which jeopardizes important anti drug and, particularly anti meth media messaging for Idaho's youth. Although I have supported important funding along the way in these bills including veterans funding, border funds and other Idaho priorities, in my view, victims of crime and our youth are the clear losers in this legislation, and because of this and other substantial concerns I have with this, I have to vote against the bill.

Mr. PRYOR. Mr. President, I would like to express my support for a provision of the Consolidated Appropriations Act, 2008. Specifically, I would like to take this opportunity to highlight and clarify language included in Division E, the Department of Homeland Security Appropriations Act of 2008 regarding the secure handling of ammonium nitrate.

This legislation reduces the risk of large quantities of ammonium nitrate falling into the wrong hands, while ensuring access for agriculture professionals and farmers who use this fertilizer for legitimate purposes. It requires that ammonium nitrate sellers and purchasers register and receive a registration number in order to distribute or buy the product. Doing so reduces the possibility that ammonium nitrate will be misused. First, it allows Department of Homeland Security and relevant law enforcement agencies to know who has access to ammonium nitrate. Second, it requires registration number applicants to be matched against the terrorism screening database before being authorized to buy or sell ammonium nitrate. Finally, by making the sale or purchase of ammonium nitrate more difficult, it deters acquisition of this explosive precursor by dangerous persons.

Farmers who use ammonium nitrate in agriculture production normally obtain the ammonium nitrate from a retail fertilizer dealership. Any retail fertilizer dealership that stores and sells ammonium nitrate would have to register under this legislation. The intent of this legislation is ''track and trace''—to provide law enforcement officials with the ability to know where ammonium nitrate is being stored and the establishment of a prescreening process before a person can purchase and take away ammonium nitrate.

Retail fertilizer dealerships provide many services for farmers and one of those services is custom application. Many farmers buy the fertilizer, but never physically take possession of the ammonium nitrate. Instead, farmers purchase the services of a dealer who spreads the ammonium nitrate on their fields. In the southeastern United States, nearly 90 percent of the 41,800 tons of ammonium nitrate purchased is directly applied to the field from the custody of the fertilizer dealer or applicator company. Only 10 percent of the ammonium nitrate purchased in the southeastern United States is ever under the direct control and possession of the farm customer.

Businesses and employees who provide custom application services would be subject to the registration requirements of the legislation. It is not the intent of this legislation to require registration by individuals who use custom application services but never physically control any ammonium nitrate.

I believe this bill will help keep ammonium nitrate out of would-be terrorists' hands while allowing farmers to use it for legitimate purposes.

Mr. BROWNBACK. Mr. President, I rise to discuss the Omnibus appropriations bill that is before us today. Although I am supportive of a number of important items in the bill, I have serious concerns and reservations about how this voluminous package was put together and how it has reached this point. As we are all aware, none of the 11 bills in this package have ever been considered on the floor of this chamber. I believe this is a travesty and entirely contrary to our democratic process. I, for one, believe that next year we must make it a priority to consider all of the appropriations bills in regular order so that all Members can participate in the process. We are appropriating nearly $933 billion through this bill and only a select few Members in both Chambers have participated in the allocation of those dollars.

Despite my deep concerns about the process of putting this bill together, I have chosen to support it because it is within the President's budget request, it provides bridge-funding to support our troops in Iraq and Afghanistan, and it contains a number of other items that I support.

I am pleased that the bill contains funds to continue Marriage Development Accounts in the District of Columbia. We began this program in fiscal year 2006 as a way to stem the erosion of marriage in DC. Sadly, marriage is all but disappearing in low-income communities in this city and across the country because couples lose important benefits such as food stamps, low-income housing credits, Temporary Assistance to Needy Families, and Medicaid merely for taking a wedding vow. In addition, these couples often have to pay higher taxes when they choose to marry. For most low-income couples, the welfare system has made marriage a bad economic decision. MDAs are one way we are making marriage a good economic decision. With an MDA, a low-income couple can save for a house, for higher education, or to start a small business and we will match those funds 3-to-1 with two Federal dollars and one private matching dollar. In just its second year of operation, over 100 DC residents have opened MDAs and 7 have already bought houses with their matched savings.

I am also pleased that we were able to include language in this bill requiring the U.S. Mint to return the words ''In God We Trust'' to the face of the $1 Presidential coins and the $1 Sacagawea coins. ''In God We Trust'' is our national motto and since the beginning of our Nation, America's citizens have acknowledged how God is very much a part of the founding principles and traditions of our democracy. I would like to note that in 1861, Secretary of the Treasury Samuel P. Chase ordered that coins bear a motto expressing the American people's trust in God. The first coins with the phrase ''In God We Trust'' were minted in 1864. In 1955, the phrase was required for all new coins, and in 1956 Congress officially endorsed ''In God We Trust'' as the national motto. Therefore, I was troubled to learn that the words ''In God We Trust'' do not appear on the face of the new Presidential coins. These words are barely visible and almost hidden on the edge of the new coins. To rectify this situation, we have included language in this bill that will require the U.S. Mint to return our national motto to the front of the coin.

I would like to note that we have provided $80 million for the Consumer Product Safety Commission, an increase of $17 million over the fiscal year 2007 level. I believe that this increase is important and necessary because it will allow the CPSC to hire additional inspectors to ensure that toys and other consumer products entering our country are safe. We have all been deeply concerned over the flood of shoddy and dangerous products entering our ports. Most troubling is that

many of these products are designed for our smallest and most vulnerable consumers: everything from baby cribs and strollers to children's toys and baby teethers have been recalled just this past year. I believe these additional funds will help CPSC address this growing problem.

I am supportive of the $60 million available in this bill to support democracy in Iran. Although I am pleased that this money is in the bill, I would have hoped we could have come up with an additional amount for this important and essential work. I am also concerned about oversight of these funds. In my view, this money is a crucial part of our overall policy on Iran, and I will closely monitor how it is spent.

Finally, I would not be able to vote for this bill if it did not contain the necessary funding for our troops in Iraq and Afghanistan. The amendment that Senator MCCONNELL has offered today contains those important and necessary funds. We are making progress in the war in Iraq and we must continue to provide our brave servicemen and servicewomen all the armor and ammunition and support they need to continue to secure a peace in that region of the world.

I reiterate my deep concerns and consternation with how this omnibus bill was put together. To say that this behemoth bill was cobbled together in the dead of night among just a few Members is no exaggeration. Such an approach is undemocratic and dangerous. Although I will vote for the bill, I must insist that we abandon this undemocratic process and return to regular order when we take up next year's appropriations bills.

Ms. MIKULKSI. Mr. President, I rise today to discuss the Commerce, Justice, Science and Related Agencies, CJS, division of the Omnibus appropriations bill before the Senate. The CJS agreement in this bill is a bipartisan, bicameral compromise that is a product of hard work and tough choices. In order to meet a very stringent allocation mandated by the President, we had to cut $2.6 billion from the Senate CJS bill, which passed the Senate on October 16, 2007.

Although we were forced to make substantial cuts, we protected the subcommittee's priorities. First, security—keeping Americans safe from threats at home and abroad. Second, promoting competitiveness—developing new technologies that create jobs for the future. Finally, providing congressional oversight by demanding accountability from the agencies funded in this bill to ensure they act as good stewards of U.S. taxpayer dollars. Significant improvements to the President's budget were made in this bill to make America safer and stronger and ensure taxpayer dollars are being spent wisely.

Despite the tough choices we had to make, there are accomplishments for which we can be proud. First, the CJS subcommittee's top priority is to protect America from terrorism and violent crime. The subcommittee provided the Federal Bureau of Investigation (FBI), our domestic counterterrorism agency, $133 million above the President's request, for a total of $6.7 billion. The CJS agreement bolsters the FBI's efforts to fight emerging cyber security and terrorist threats and provide for 160 new FBI agents to track and dismantle terrorist cells in the United States For the Drug Enforcement Administration, DEA, we provide $53 million more than the President's request, for a total of $2.1 billion. These funds will lift the hiring freeze and give DEA the resources they need to hire 200 additional special agents. These agents will fight illegal drugs like heroin and methamphetamine that are destroying our communities and disrupt the poppy trade in Afghanistan, which funds terrorist activity.

In addition, the President's budget gutted funds for State and local law enforcement by $1.5 billion from last year's level. The CJS agreement provides a total of $2.7 billion to help State and local law enforcement fight crime, drugs and gangs. The agreement includes $1.2 billion more than the President's request. With the limited resources the subcommittee had, we were able to make modest increases to critically important State and local law enforcement programs. For example, we provided $20 million to put 260 new cops on the beat in our local communities; $400 million to keep women and children safe from domestic violence; $383 million to keep children safe from child predators, gangs and drugs; and $15 million to put cops in schools to fight the rising trend of violence on school grounds. These are critical programs and I wish we could have provided more funds to keep our children safe, protect our communities and provide those on the thin blue line the resources they deserve to protect us.

The CJS agreement continues the subcommittee's commitment to the development of new technologies that create jobs for the future. The CJS agreement fully funds the President's request of $17.3 billion for NASA. NASA is our premier innovation agency that is creating new technologies and inspiring future scientists and engineers. The CJS agreement maintains our commitment to the space station and the aging space shuttle fleet and fully funds the new space transportation vehicle. The CJS agreement also keep our commitment to NASA's scientific discovery and aeronautics research.

In addition, the CJS agreement rejects the President's cuts to Department of Commerce initiatives that create technologies and jobs. The agreement restores $80 million above the President's request for economic development grants to help our communities develop infrastructure to create new jobs. The agreement provides $90 million for the Manufacturing Extension Partnerships, MEP, which help small U.S. manufacturers stay competitive. Also, the agreement provides $65 million for the newly authorized Technology Innovation Partnership, TIP, program to encourage innovation.

The CJS agreement emphasizes oversight and accountability to prevent mismanagement of taxpayer dollars. Specifically, the agreement prohibits funds for lavish banquets and conferences and requires the Inspector General in each agency to stand sentry over grant spending to ensure taxpayer dollars are not squandered. The subcommittee agreement institutes an early warning system for cost overruns and schedule slippages on major satellite procurement programs so that costs to the taxpayers do not grow unchecked. The agreement also requires management reforms at the Patent and Trademark Office, PTO, to reduce application backlogs and waiting times. Currently there is a 2 year backlog to process a patent application and this backlog could reach over 800,000 applications this year.

Unfortunately, the subcommittee also had to make some very difficult choices. There were reluctant cuts dictated by the President's budget that forced the Subcommitte to cut things that we wanted to fund. For example, Byrne formula grants to States are funded at only $170 million. The President zeroed out Byrne formula grants, but our agreement is still $350 million below 2007. Byrne formula grants go to States to pay for police training and technology and crime prevention programs at the State and local level. This cut means there will be less direct Federal funding for State law enforcement budgets, straining State budgets that are already stressed.

Regrettably, the CJS agreement is $424 million below the President's request for the American Competitiveness Initiative, ACI, at the National Science Foundation, NSF, and National Institute of Standards and Technology, NIST. Our Senate bill fully funded the President's request for ACI, which has bipartisan support, but our allocation required very difficult choices and this was one of them.

Finally, I want to express about my disappointment that the House would not agree with two provisions that were included in the Senate CJS bill. First is emergency funding for NASA. Our Senate bill included $1 billion in emergency funding to reimburse NASA for the costs of returning the space shuttle to flight after the Columbia accident. This funding had bipartisan support in the Senate, but the House would not agree to it. The consequence will be a continued gap in time between shuttle retirement and development of our new vehicle.

Second, I included a provision in our Senate bill to extend the H–2B returning worker exemption. This was a simple 1-year extension of current law. On a bipartisan basis, the Senate wanted to protect small and seasonal businesses from going bankrupt. I regret

that the House would not agree to the extension.

Overall, the CJS agreement is a bipartisan effort, a product of hard work and tough choices in order to meet a very tight allocation. Even within the tight allocation, we provide funding to keep America safe, we secure America's competitiveness, and we provide strong oversight and accountability to ensure stewardship of taxpayer dollars.

I want to thank my ranking member, Senator SHELBY for his collegiality and cooperation. I also want to thank Chairman BYRD and Ranking Member COCHRAN for their hard work and advocacy. And I thank their staff, specifically, Art Cameron, Chuck Kieffer, and Bruce Evans. I encourage my colleagues to support of the CJS agreement.

Mr. KERRY. Mr. President, I rise in support of the Feingold amendment because the strategy it mandates gives us the best chance to succeed in Iraq and strengthen America's security around the world. In fact, recent developments in Iraq and Afghanistan have made it clear that this amendment is as important now as it was when Senator FEINGOLD and I first introduced a similar measure a year and half ago.

I have heard the arguments that the escalation has worked, that we no longer need to change the mission, and that we are now on the path to victory in Iraq. Every one of us agrees that the troops in Iraq have done an extraordinary job under unbelievably difficult circumstances. The entire country owes them a profound debt of gratitude for their incredible sacrifices.

But we must not lose sight of the bigger picture, which is that the brave men and women of our armed forces no matter how heroically they perform cannot end an Iraqi civil war. Every one of our generals, the Secretary of Defense, and the Secretary of State have all told us repeatedly that there is simply no military solution to this conflict. The President himself has acknowledged as much and that is why he made clear that the purpose of the escalation was to give the Iraqis one last opportunity to make the tough political compromises that are the only hope for bringing lasting stability to Iraq.

But the bottom line is that we have not seen any political progress from the Maliki government since the escalation began nearly one year ago. Not one single additional political benchmark has been met and by some accounts they are even further away from compromising than they have ever been. So when we assess progress in Iraq over the past few months, let's be clear: by the measure that ultimately counts the most political reconciliation this strategy has not accomplished the goal that the President himself established.

The reason is simple: the Iraqi government has proven time and again that without a deadline they will not make the tough compromises necessary to bring about a political solution that is the only solution. And as long as we continue to follow the same course of giving them an open-ended commitment, they will continue to pursue their narrow sectarian interests while our troops continue to pay the ultimate price.

To succeed over the long term in Iraq, we must change course. We must insist on a strategy that honors what our troops have accomplished and force the Iraqis to finally take advantage of the opportunity they have before them. That's what the Feingold amendment does. It changes the mission to one that can be sustained even as we draw down troops to pre-surge levels which our overstretched military requires us to do: training Iraqi security forces, conducting targeted counter-terrorism missions, and protecting U.S. forces and facilities. And most importantly, it sets the deadline we need to create the leverage necessary to bring about real political reconciliation.

In fact, if you look closely at what has occurred over the past few months in Iraq, it is clear that a significant amount of the progress we have seen in terms of reducing violence has been the result of political decisions. That's not to understate the key role our troops have played it's simply to recognize the realities of this type of counterinsurgency mission.

We all know that the Sunni tribal leaders in Anbar province made a calculated decision, based on their own self-interest, to turn against al-Qaida in fact, many of us have argued for some time the Iraqis themselves would never tolerate foreign extremists in their midst.

We also know that one of the key factors in reducing the violence has been the decision by Moktada al-Sadr to tell his Mahdi militia to stand down—at least temporarily. This was reportedly due, at least in part, to a request Prime Minister Maliki made of Iran in August to help rein in the Shia militias. In fact, according to the New York Times, spokesmen for our own military ''have gone out of their way to publicly acknowledge Iran's role in helping to slow the flow of weapons into the country.''

And finally, we know that the flow of foreign fighters into Iraq from Syria has diminished considerably at a time when we have finally begun some level of diplomatic engagement with Syria.

So we must learn the right lessons from the positive developments we have seen over the last few months and recognize that the way forward, the best chance for lasting progress, is through political and diplomatic efforts. We must act now to take advantage of the window our troops have provided. I applaud the summits that have been held on Iraq in Sharm el Sheikh and Istanbul, but we need to see much more sustained, hands-on engagement at the highest levels of the administration. And we need a deadline to fundamentally change the dynamic for Iraq's political leaders.

The alternative is to continue giving the President a blank check which is exactly what the McConnell amendment does. There's no requirement to transition the mission, and no deadline to leverage political process. And there's no relief for a military stretched to the breaking point. That will not resolve the sectarian divisions that have fed this civil war, it will not bring longterm stability to Iraq, and it will not protect our national security interests around the world.

Nowhere is that more important than in Afghanistan, where the same killers who attacked us on 9/11 are right where we left them, plotting more attacks on our homeland. The simple fact is that because of the attention, energy, and resources we have devoted to Iraq, we're now in danger of losing Afghanistan. The Taliban and al-Qaida have regrouped along the Afghan-Pakistan border, currently hold large swathes of territory, and are expanding their reach into regions that haven't seen the Taliban since 2001. Violence may be down in Iraq, but it's at its highest levels in Afghanistan since the invasion. Opium cultivation has soared to 93 percent of the world's market. Reconstruction efforts have stalled, and Oxfam International is reporting ''humanitarian conditions rarely seen outside sub-Saharan Africa.''

That is why Secretary Gates and Admiral Mullen called for more troops, equipment, and a strategic plan to get it right in Afghanistan last week. But because we have expended valuable American blood and treasure in Iraq and allowed our focus to wander from our top national security priority, the resources just aren't there to fight Taliban and al-Qaida in Afghanistan. If we change the mission in Iraq and return our focus to Afghanistan, we still have time to achieve the stable democracy we promised.

But we must act now. In Iraq and in Afghanistan, time is not on our side. We must seize this moment to put America on course to a safer and more secure future.

Mr. DURBIN. Mr. President, the fiscal year 2008 appropriations bills do not adequately address all of the long-term needs of the American people. We have no one to blame but the President and his Republican allies who have chosen to stand by his side.

The bills we drafted and passed out of the Appropriations Committees on a bipartisan basis went far beyond what we have here today, but the President has made it clear he would veto any bills that were above his grossly inadequate budget.

These allies stood with the President and his budget, a budget that I cannot believe anyone would be proud to support. The President's budget contained cuts of 800 grants for medical research at NIH, cuts in programs that provide access to health care by $595 million, cuts in rural health initiatives by 50 percent, cuts for crucial Department of Education programs by $1.2 billion, and

cuts in Homeland Security Grants for police, firefighters, and medical personnel by $1.1 billion.

This is what we were presented with take it or leave it. The President refused to compromise and instead made it very clear that in his eyes, cuts for health care, education, jobs, and homeland security are nonnegotiable. For the cost of what we spend in 2 months in Iraq, the President was more than willing to sacrifice a year's worth of badly needed investments into health research, our children's education, worker safety, and homeland security.

The President has done all of this under the banner of fiscal responsibility. This is hard to believe from a President who increased spending 50 percent since he came to office, saddled our children and grandchildren with $3.3 trillion in new debt, doubled the size of foreign debt held by other countries, and asked for another $200 billion for the war in Iraq without paying for it.

This President also had no problem with a Defense spending bill that was 11 percent more than he asked for. He has no problem asking us for a blank check to fund war in Iraq. This is a President who says it is OK to increase spending for those in other countries, but not here at home. When it comes to raising money for our needs at home his answer comes with a stroke of his new-found veto pen.

When the President drew his line in the sand, we reached out to our Republican counterparts in an effort to build a bipartisan coalition to overcome his veto, but Republicans gave us the cold shoulder and have decided to stand with the President. These are the same Republicans who last Congress failed to pass a budget or complete any of its work on domestic funding bills. They have criticized us for the size of this bill, but compared to nothing, I will take our work here.

We realize we have an obligation to the American people to fund the important functions of our Government and to finish our work as a Congress. To complete these bills we had to make tough decisions in the face of the President's unreasonable demands and work toward prioritizing the needs of the country.

Even within the unreasonable constraints of the President's budget numbers, we still put veterans first. This bill added $3.7 billion above the President's budget request for veterans and their health needs. This $3.7 billion in veterans spending is a proposal the President once threatened to veto. These funds will be used for medical and prosthetic research, health services for injured and ill veterans, and the construction of new medical facilities to help those returning home from Iraq and Afghanistan. The additional $3.7 billion for veterans is contingent on Presidential action. The President must make an emergency spending request by January 18, 2008.

Within the President's overall budget numbers, we were still able to increase spending for health, education and workers by $3.9 billion. That is $3.9 billion for our needs here for Americans at home. Even with the President's hard-line position on his overall budget numbers, the fiscal year 2008 Consolidated Appropriations Act better reflects American priorities.

Democratic increases above the President's budget request include $3.7 billion for veterans healthcare, $613 million for medical research, $3 billion for education, $486 million for renewable energy sources, $788 million for heating assistance for low-income households, $1.6 billion for highways and bridges, $1.2 billion for State and local law enforcement, $1.8 billion for homeland security, and $17 million for consumer protection.

I am also very pleased and proud of what we were able to do with very limited funding within the Financial Services and General Government Appropriations Subcommittee.

Our bill provides $20.6 billion in funding for the Department of the Treasury, the Internal Revenue Service, the Executive Office of the President, the Federal judiciary, the District of Columbia, and an array of 20 independent agencies, including the Consumer Product Safety Commission, the General Services Administration, the Federal Communications Commission, the Federal Election Commission, the Federal Trade Commission, the Postal Service, the Securities and Exchange Commission, and the Small Business Administration.

Therefore, while I would like to highlight some of the features in the Financial Services title, I note that the circumstances that led to the final bill forced us to make regrettable cuts, because of the President's insistence on his overall bottom line on domestic spending.

I am pleased this bill provides $80 million for the Consumer Product Safety Commission, a 30-percent increase of $17.3 million above the fiscal year 2007 enacted level and $16.75 million above the budget request.

This increase in funding will allow the agency to hire employees, find space for additional employees, and make critically needed IT improvements.

In addition, the bill includes $115 million for election reform programs to be available for States for assistance in meeting the requirements of the Help America Vote Act of 2002. The amended bill also provides $10 million for an election data collection pilot program.

Within the IRS, funding of $2.15 billion is provided for the Taxpayer Services account. This is $11.7 million above the fiscal year 2007 enacted level, $46.9 million above the President's request, and $800,000 above the Senate committee-reported level. The President's budget sought to cut Taxpayer Services by $35.1 million below the fiscal year 2007 level. The bill also establishes a new $8 million pilot grant program to improve the Community Volunteer Income Tax Assistance Program to serve underserved populations and hardest-to-reach areas.

The bill boosts funding for Treasury's Community Development Financial Institutions, CDFI, Fund to $94 million, reflecting an increase of $39.5 million over the fiscal year 2007 enacted level, $65.4 million above the President's request, and $4 million above the Senate committee-reported level. The President's request would have decimated the fund, which promotes access to capital and local economic growth by directly investing in and supporting community development financial institutions and by expanding lending, investment, and services offered by banks and thrifts within underserved markets.

The Federal judiciary receives a 4.3 percent increase over fiscal year 2007 in both mandatory and discretionary funding. Within the Judiciary title, the bill provides $410 million—an 8.3 percent increase over fiscal year 2007—for court security. The bill also authorizes a pilot program to permit the U.S. Marshals instead of the Federal Protective Service to provide security for seven Federal courthouses including the Dirksen Courthouse in Chicago.

Finally, among an array of general provisions applicable government-wide in Title VII of Division D, the bill provides for a 3.5 percent cost-of-living adjustment for civilian Federal employees as included in both the House-passed and Senate committee-reported bills.

I am frustrated that we were not able to do more and that the process has been delayed, but the fiscal year 2008 funding levels we consider this evening reflect America's priorities and I am pleased to support the final package.

Mr. REID. Mr. President, with the Senate's passage of the Omnibus appropriations bill for fiscal year 2008 and H.R. 6, the Energy Security and Independence Act of 2007, the Department of Energy must now finally understand that its irrational hostility toward geothermal energy research and development has come to an end, pursuant to these two acts of Congress.

First, H.R. 6 will become law ahead of the omnibus and thereby controls the primary use and priorities for funds provided by Congress following its enactment. As Senators may know, the United States and particularly Nevada and the West have tens of thousands of megawatts of clean power generation potential from geothermal energy sources just waiting to be developed. In title VI, H.R. 6 contains very important research and development provisions collectively referred to as the Advanced Geothermal Energy Research and Development Act of 2007 that will help realize that enormous potential and create significant sustainable economic growth in rural areas throughout America.

The Department must, by law, comply with the program direction provided in H.R. 6. The Department staff

need not reinvent the wheel or plead that they cannot accept or acknowledge statutory direction from Congress at this point in the fiscal year, since they have not and will not have had any conflicting direction from Congress.

Second, the Omnibus appropriations bill requires that the Department cease and desist its efforts to shut down the existing geothermal program. Instead, the bill provides approximately $20 million for geothermal energy technology research. This is an increase of $20 million over the budget request for the deployment of large-scale enhanced geothermal systems, to include accelerating the development of subsurface technologies, including geological and geophysical data collection and synthesis. This direction to the Department is entirely consistent with that provided in H.R. 6.

The Congress expects the Department to use that money wisely and in a balanced fashion that comports with the direction in the appropriations bill's statement of managers and the statutory direction provided in H.R. 6. Clearly, the funds should not and cannot be used to focus on one or even a narrow set of technologies to the exclusion of the continuum of geothermal energy technologies. I also expect that next year's budget request will reflect the direction given to the Department by Congress in H.R. 6.

The PRESIDING OFFICER. All time is yielded back.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 17, as follows:

[Rollcall Vote No. 441 Leg.]

YEAS—76

Akaka	Cantwell	Dole
Alexander	Cardin	Domenici
Baucus	Carper	Dorgan
Bennett	Casey	Durbin
Bingaman	Cochran	Grassley
Bond	Coleman	Gregg
Boxer	Collins	Harkin
Brown	Conrad	Hutchison
Brownback	Corker	Inouye
Bunning	Cornyn	Johnson
Byrd	Craig	Kennedy
Kerry	Mikulski	Smith
Klobuchar	Murkowski	Snowe
Kohl	Murray	Specter
Kyl	Nelson (FL)	Stabenow
Landrieu	Nelson (NE)	Stevens
Lautenberg	Pryor	Sununu
Leahy	Reed	Tester
Levin	Reid	Thune
Lieberman	Roberts	Vitter
Lincoln	Rockefeller	Warner
Lott	Salazar	Webb
Lugar	Sanders	Whitehouse
Martinez	Schumer	Wyden
McConnell	Sessions	
Menendez	Shelby	

NAYS—17

Allard	Crapo	Hagel
Barrasso	DeMint	Inhofe
Bayh	Ensign	Isakson
Burr	Enzi	McCaskill
Chambliss	Feingold	Voinovich
Coburn	Graham	

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Feinstein	Obama

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN DANIEL TINDER, OF INDIANA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 373, the nomination of John Daniel Tinder, to be United States Circuit Judge.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate on the nomination, equally divided.

Mr. LEAHY. Mr. President, we end the 2007 legislative session as we began it, by making significant progress confirming the President's nominations for lifetime appointments to the Federal bench. At the Judiciary Committee's first business meeting of the year, held less than 2 weeks after the Republican caucus agreed to the resolutions organizing the Senate, I included on our agenda five judicial nominations. On January 30, the Senate confirmed the first two judicial nominations of the session. Today's confirmation of John Daniel Tinder to the Court of Appeals for the Seventh Circuit will be the 40th, including 6 of this President's nominations to powerful circuit courts.

I thank the members of the Judiciary Committee for their hard work all year in considering these important nominations. I thank especially those Senators who have given generously of their time to chair confirmation hearings throughout the year.

Given the work of the Senators serving on the Judiciary Committee, we will have exceeded the yearly total in each of the last 3 years when a Republican majority managed the Senate and the consideration of this Republican President's nominations. Indeed, with the confirmation today of Judge Tinder to replace Judge Daniel A. Manion, like that of Reed O'Connor who was confirmed last month to the Northern District, we are proceeding to fill vacancies before they even arise.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over a handful of controversial nominations and attempts to appeal to some on the far right wing. When we confirm the nomination we consider today, the Senate will have confirmed 40 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-led Senate confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005 or 2006. It is 23 more confirmations than were achieved during the entire 1996 session, more than double that session's total of 17, when Republicans stalled consideration of President Clinton's nominations. It is seven more than the confirmations in the second to last year of President Clinton's final term.

We continue to make progress on circuit court nominations. We began the year by resolving an unnecessary controversy over Judge Norman Randy Smith's nomination to one of California's seats on the Ninth Circuit. That nomination could easily have been confirmed—and a judicial emergency addressed—in the last Congress had the Bush administration chosen the commonsense approach of nominating Judge Smith, who is from Idaho, to Idaho's seat on the Ninth Circuit. After many months of urging by me and others, President Bush finally did the right thing at the beginning of this Congress by pulling the controversial Myers nomination to Idaho's Ninth Circuit seat and nominating Judge Smith, instead. He was confirmed in February. We could make even more progress if the President would make a California nomination to fill the long-vacant California Ninth Circuit seat left open by Judge Stephen Trott's retirement.

We continued through the year to consider and confirm district and circuit court judges. In October, the Senate confirmed the nominations of Judges Jennifer Walker Elrod and Judge Leslie Southwick, who became the fourth and fifth circuit court nominees confirmed this year.

After this confirmation today, the Senate will have confirmed six circuit court nominees, matching the total circuit court confirmations for all of 2001. We will also have exceeded the circuit court totals achieved in all of 2004 when a Republican-led Senate was considering this President's circuit

nominees; all of 1989; all of 1983, when a Republican-led Senate was considering President Reagan's nominees; all of 1993 when a Democratic-led Senate was considering President Clinton's nominees; and, of course, the entire 1996 session during which a Republican-led Senate did not confirm a single one of President Clinton's circuit nominees the entire session.

The treatment of President Clinton's nominees contrasts harshly with the treatment Democrats gave the circuit court nominees of Presidents Reagan and Bush in the Presidential election years of 1988 and 1992. In those two election years, the Democratic-controlled Senate averaged nine circuit court confirmations. Regrettably, the Republican Senate reversed that course in the treatment of President Clinton's circuit court nominations, confirming an average of only four in the Presidential election years of 1996 and 2000, and none in the entire 1996 session.

At the end of the 106th Congress, the last 2 years of the Clinton administration, the Republican-led Senate returned to the President without action 17 of his appellate court nominees. I have not duplicated that record and I do not intend to, any more than I intend to see the Senate pocket filibuster more than 60 of President Bush's judicial nominees, as Republicans did with President Clinton's.

It is a little known fact that during the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

I continue to try to find ways to make progress. Last month, I sent the President a letter urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. Now is the time for him to send us more nominations that could be considered and confirmed as his Presidency approaches its last year, before the Thurmond Rule kicks in.

As I noted in that letter, I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of Senators WARNER and WEBB, one a Republican and one a Democrat.

They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell. As a result, this nomination that is opposed by Democratic and Republican home-state Senators is one that cannot move.

The Administrative Office of the U.S. Courts will list 43 judicial vacancies and 14 circuit court vacancies after today's confirmations. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional 5 vacancies that arose at the beginning of the 110th Congress, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee.

The President has sent us 27 nominations for these remaining vacancies. Sixteen of these vacancies—more than one third—have no nominee. Of the 17 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 7, nearly half of them. If the President would decide to work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

Of the 16 vacancies without any nominee, the President has violated the timeline he set for himself at least 11 times—11 have been vacant without so much as a nominee for more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement rather than from the vacancy itself. We conservatively estimate that he also violated his own rule 15 times in connection with the nominations he has made. That would mean that with respect to the 43 vacancies, the President is out of compliance with his own rule more than half of the time.

We have succeeded in dramatically lowering vacancies and, in particular, circuit court vacancies. We have helped cut the circuit vacancies from a high water mark of 32 in the early days of this administration to as low as 13 this year. Contrast that with the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees that resulted in increasing circuit vacancies during the Clinton years from 17 when he was inaugurated to 26 at the end of his term. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President. More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

The American people expect the Federal courts to be fair forums where justice is dispensed without favor to the right or the left. I have set out since the beginning of this Congress to do all that I can to ensure that the Federal judiciary remains independent and able to provide justice to all Americans. These are the only lifetime appointments in our entire government, and they matter. I will continue in the 2008 session to work with Senators from both sides of the aisle as I have in the 2007 session.

John Daniel Tinder has a decade of service as a District Court Judge for the Southern District of Indiana. Before his tenure on the bench, he worked for 7 years at the Justice Department as U.S. Attorney and Assistant U.S. Attorney for the Southern District of Indiana. He has worked in private practice and has experience as a county prosecutor and county public defender. His nomination has the support of both home State Senators. I acknowledge the support of Senators LUGAR and BAYH, and want to thank Senator DURBIN for chairing the hearing on this nomination.

While I support Judge Tinder's confirmation, I am concerned about his answer to a question I sent him on the legal significance of Presidential signing statements. I asked Judge Tinder if an alleged violation of the law prohibiting cruel, inhuman, and degrading conduct by American personnel were to come before a court, would it be appropriate for that court to consider the President's signing statement as legislative history, in addition to the text of law itself. I am troubled by Judge Tinder's answer that he is open to looking at signing statements as a tool for determining the meaning of a statute.

Throughout the country's history, Presidents used signing statements for limited purposes, such as explaining to the public the likely effects of legislation or providing direction to administrative agencies within the Executive Branch. It has long been considered out of bounds for any President to use signing statements—which are at most post-passage remarks—for the more expansive and controversial purpose of creating legislative history that our courts would be expected to follow. Legislative history is created within the Congress, which is charged by the Constitution with considering and passing laws. The President may veto legislation, but the constitutional system of checks and balances does not allow the President to speak for Congress.

The Nation stands at a pivotal moment in history, where Americans are faced with a President who makes sweeping claims for almost unchecked Executive power. This President has used signing statements to challenge laws banning torture, laws on affirmative action, and laws that prohibit the censorship of scientific data. When the President uses signing statements to unilaterally rewrite laws enacted by Congress, he undermines the rule of law and our constitutional checks and balances. It is incumbent upon the Federal judiciary, to safeguard and protect the constitutional balance when necessary.

I hope that Judge Tinder will fulfill his oath and be an independent buffer against constitutional overreaching. I congratulate the nominee and his family on his confirmation today.

Mr. LUGAR. Mr. President, I appreciate this opportunity to support the

President's nomination of Judge John Daniel Tinder to serve as a United States Circuit Judge for the Seventh Circuit.

I would first like to thank Senate Judiciary Chairman PAT LEAHY, Ranking Member ARLEN SPECTER, the respective Leaders, and Senator BAYH for their important work to facilitate timely consideration of this nomination.

Late last year, Circuit Judge Dan Manion informed me of his decision to assume senior status after a distinguished career of public service. Given this upcoming vacancy and the need for continued strong leadership, I was pleased to join with my colleague EVAN BAYH in commending John Tinder to President Bush. This selection was a product of a bipartisan process and reflective of the importance of finding highly qualified Federal judges to carry forward the tradition of fair, principled, and collegial leadership.

As the Founders observed when our Constitution was drafted, few persons ''will have sufficient skill in the laws to qualify them for the stations of judges,'' and ''the number must be still smaller of those who unite the requisite integrity with the requisite knowledge.'' Judge Tinder embodies the rare combination that the Framers envisioned.

I have known John for many years and I have always been impressed with his high energy, resolute integrity, and remarkable dedication to public service.

John graduated with honors from Indiana University while earning his Bachelor's degree and then later graduated from Indiana University School of Law in Bloomington.

John served in a variety of critical legal roles early in his career which helped to shape his strong litigation background and experience. Among many legal positions, he has served as an assistant United States Attorney, a public defender, chief trial deputy in the county prosecutor's office and as a partner in private practice.

Given his broad experience and great abilities, John was a natural selection to serve as United States Attorney for the Southern District. After 3 years of active and distinguished service, John was then tapped again by President Reagan to serve as United States District Court Judge for Southern Indiana where he has served since 1987. In 20 years on the bench, he has presided over more than 200 jury trials in this district. His decisions are well known to be clear, well-reasoned, and thorough while applying appropriate precedents to the facts in each case. He is fully aware of the importance of appellate court decisions and their impact on the trial courts.

Throughout John's career, his reputation for personal courtesy, fairness, decency and integrity was equally well-earned and widespread among colleagues and opposing counsel alike and on both sides of the political aisle. The Senate has already unanimously confirmed him twice, and it is not surprising that news of his Circuit Court nomination has been well received by stakeholders in the legal community and the public.

I am also pleased that John's experience and professionalism were recognized by the American Bar Association which bestowed their highest rating of ''well qualified'' for his nomination.

I would again like to thank Chairman LEAHY and Ranking Member SPECTER for their important work on this nomination. I believe that Judge Tinder will demonstrate remarkable leadership and will appropriately uphold and defend our laws under the Constitution.

Mr. BAYH. Mr. President, this past spring, Senator LUGAR and I made a joint recommendation to President Bush to nominate Judge John Tinder for a seat on the U.S. Court of Appeals for the Seventh Circuit, the second highest court in the land. President Bush followed our advice, the Judiciary Committee unanimously approved his nomination, and today I am pleased to announce that the Senate will vote on Judge Tinder's nomination.

I take very seriously the Senate's constitutional duty to provide advice and consent for all judicial nominees. The Senate shares a responsibility with the President to ensure that the judiciary is staffed with men and women who possess outstanding legal skills, suitable temperament, and the highest ethical standing.

I regret, however, that the process for confirming judicial nominees has become too partisan in recent years and has produced too many controversial nominees.

I have worked hard with my friend and colleague, Senator LUGAR, to restore civility in Washington and to end the politics of personal destruction. We have worked closely together to build consensus and move forward in a responsible way to address the challenges that face the American people.

John Tinder is the embodiment of good judicial temperament, intellect and evenhandedness. He has been praised from both sides of the political spectrum for his service in the Southern District of Indiana, and I am confident he will receive those kinds of reviews, as well, on the Seventh Circuit.

I have known John for 20 years. Judge Tinder was born in Indiana, went to law school in Indiana, and has spent his entire legal career in Indiana, where he and his wife Jan currently reside. Judge Tinder is a Hoosier through and through.

At only 57, Judge Tinder has had a distinguished legal career that would make most lawyers envious. Judge Tinder has served as a Federal district court judge, Federal and local prosecutor, public defender, adjunct professor, and private practitioner. In 1984, at 34 years of age, he was nominated by President Reagan to become the U.S. attorney for the Southern District of Indiana. Three years later, Reagan nominated him to become a Federal judge. With over 30 years of experience, Judge Tinder has already practiced on both sides of the bench in the Seventh Circuit, arguing cases before it as an assistant U.S. attorney and presiding by designation in 12 cases. Overall, he has presided over 750 trials and has published over 700 opinions.

By all accounts, Judge Tinder is a good, smart, honest judge, who is highly experienced and capable. Judge Tinder has received the highest possible rating from the ABA.

If we had more nominees like John Tinder, we would have less fighting around this place. He is a good judge, he is a good lawyer, he is thoughtful, and he is nonpartisan. I hope that going forward, perhaps, others of a similar mold will come before us so that we can do our duty with less acrimony.

Judge Tinder enjoys my whole-support, and I ask my Senate colleagues to confirm Judge Tinder to the Seventh Circuit Court of Appeals.

Mr. LEAHY. Mr. President, with this nomination, I note we have confirmed more in this session of the Senate—of President Bush's judges—than the total number of judicial nominations the Republicans confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005, and 2006. I thought I would mention that.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I simply ask unanimous consent that the record of John Daniel Tinder be printed in the CONGRESSIONAL RECORD, and I urge my colleagues to support him for confirmation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN DANIEL TINDER

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Birth: 1950, Indianapolis, Indiana.

Legal Residence: Indiana.

Education: B.S., with honors, Indiana University School of Business, 1972; Hoosier Scholar and Dean's List, 1968–1972; Beta Gamma Sigma (national business honorary fraternity), 1971 and Business School Honor Society.

J.D., Indiana University School of Law—Bloomington, 1975.

Employment: Associate, Tinder & O'Donnell, 1975; Assistant U.S. Attorney, U.S. Attorney's Office, Southern District of Indiana, 1975–1977; Partner, Tinder & Tinder, 1977–1982; Public Defender, Marion County Criminal Court, 1977–1982; Deputy Prosecutor (Chief Trial Deputy), Marion County Prosecutor's Office, 1979–1983; Associate, Harrison and Moberly, 1982–1984; Adjunct Professor, Indiana University School of Law, 1980–1987 and United States Attorney, Southern District of Indiana, 1984–1987 and United States District Judge, Southern District of Indiana, 1987–Present.

Selected Activities: Academy of Law Alumni Fellow, Indiana University School of

Law, 2007; Volunteer of the Year, Wheeler Boys and Girls Club, Indianapolis, 1988; Member, Indianapolis Bar Association, 1975–Present; Current Vice President and Member Pro Bono Standing Committee, 2002–2004.

Bloomington Board of Visitors, Indiana University School of Law, 1985–1996; Chair, 1994 and Dean Search Committees, 1990, 2003.

Member, Indiana Supreme Court.

Member, U.S. Attorney General's Advisory Committee of U.S. Attorneys, 1985–1987 and Vice Chairman, 1986–1987.

Member, Judicial Conference of the United States; Member, Committee on Automation and Technology, 1994–1997 and Member, Committee on Court and Judicial Security, 1990–1992.

ABA Rating: Unanimous well-qualified.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the Senate advise and consent to the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 442 Ex.]

YEAS—93

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Allard	Ensign	Mikulski
Barrasso	Enzi	Murkowski
Baucus	Feingold	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Gregg	Pryor
Bond	Hagel	Reed
Boxer	Harkin	Reid
Brown	Hatch	Roberts
Brownback	Hutchison	Rockefeller
Bunning	Inhofe	Salazar
Burr	Inouye	Sanders
Byrd	Isakson	Schumer
Cantwell	Johnson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dole	McCaskill	Wyden

NOT VOTING—7

Biden	Domenici	Obama
Clinton	Feinstein	
Dodd	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF THE ORVIS SCHOOL OF NURSING

Mr. REID. Mr. President, as the Senate finishes its business for the year, it is my privilege to rise today in recognition of the 50th anniversary of the Orvis School of Nursing at the University of Nevada, an important part of Nevada's health care community.

The beginnings of the Orvis School are humble. During a brief hospitalization in Reno, Arthur Orvis, a stockbroker and Nevada resident, noticed the lack of student nurses and began to wonder about the educational opportunities for health care providers in Nevada. On December 15, 1955, in a letter to University President Minard W. Stout, Orvis wrote, '' I desire to give $100,000 to the University of Nevada for the establishment of a department to be known as the 'Orvis School of Nursing.' This is a free will offering with no strings attached.''

As a result of this generosity, the Orvis School of Nursing was founded by Arthur and Mae Orvis at the University of Nevada in 1957. When the Orvis School opened its doors in the fall of that year, there were 12 students and 5 faculty members. Unusual for the time period, the Orvis School's first class was very diverse, including one African-American student, one male student, one Asian-American student, and nine white female students.

The Orvis School of Nursing has come a long way from that first class of 12 students. Today, a wide group of students attend a world-class institution that offers the highest quality of nursing education. While traditional nursing programs focus only on hospital nursing, the Orvis School is distinctive in that it offers a bachelor's of science degree in nursing, emphasizing nursing leadership, community health, and nursing research. I confidently believe that this unique focus will lead to greater innovations and ideas for the future of health care.

In closing, I extend my most sincere gratitude to the Orvis School of Nursing, its alumni, and greater community. Nevadans are fortunate to have such a talented and skilled institution in our State.

GLOBAL HIV/AIDS

Mr. REID. Mr. President, I rise in recognition of World AIDS Day, which millions around the globe commemorated on December 1. Although this event will be a recent memory as the new year begins, it is my hope that its purpose will be reflected in our thoughts and actions throughout 2008 and beyond.

World AIDS Day is a solemn opportunity to remember that HIV/AIDS continues to wreak havoc on individuals, families, and communities around the globe. Although the new estimates on HIV prevalence is good news, we cannot forget that AIDS is still a leading cause of death. More than 5,700 lives are taken by this disease every day, many just at a time when they are attending school, raising children, or contributing to society as productive adults. At the same time, nearly 7,000 people become infected every day, meaning that as 2.5 million more people—about as many people in my home state of Nevada—will face the start of the new year with HIV/AIDS. More than 30 million globally are already living with HIV/AIDS today.

In Nevada, the number of HIV and AIDS cases diagnosed each year since 2000 is on the upward trend, and AIDS rates continue to disproportionately impact ethnic and racial minorities. Our State also ranks 14th in the Nation for the rate of adolescents and adults living with AIDS. As a Nevadan, as well as a Member of Congress, I know that more must be done to tackle the epidemic at home and abroad.

In Congress, we must continue to support international AIDS relief programs like PEPFAR and the Global Fund to Fight AIDS, Tuberculosis, and Malaria. It should be a priority to fund vital programs that fight HIV/AIDS domestically as well, especially the Ryan White Care Act and the National Family Planning Program, which works to prevent the spread of HIV/AIDS and other diseases. Medicaid in particular is a lifeline for vulnerable HIV/AIDS patients who would otherwise have no other means of receiving the care they need.

In giving recognition to the human toll of the HIV/AIDS global epidemic, let us also heed the resulting call to action. From supporting prevention to treatment, individual remembrance to public awareness, let us all keep working together to ensure that the goals of World AIDS Day will soon become reality.

DARFUR

Mr. DURBIN. Mr. President, I have repeatedly come to the floor to speak

about one of the worst human tragedies in recent memory—the crisis in Darfur.

For 4 long years the world has watched as thousands of innocent victims have been murdered, tortured, and raped—their villages burned, their livelihoods stolen. More than 2 million people have been chased from their homes—many trapped in dangerous refugee camps for almost 5 years.

Many of us on both sides of the aisle and in the international community have repeatedly called for greater U.S. and global action. President Bush has rightly called the situation in Darfur genocide. British Prime Minister Gordon Brown has said, ''Darfur is the greatest humanitarian crisis the world faces today.''

And U.N. Secretary General Ban Kimoon has made ending the crisis one of his top priorities.

His efforts and those of many others led to 2 promising breakthroughs earlier this year.

First, the various parties agreed to start peace talks. With more and more rebel groups involved in the violence, a long-term political settlement will be vital in bringing stability to the region.

Second, the U.N. Security Council voted to deploy a 26,000-member peacekeeping force to bring the ongoing carnage to an end and help create an atmosphere for such negotiations.

Under pressure from the international community, the Sudanese government—notorious for its delays, denials, and obstruction—grudgingly accepted this new force.

Despite these assurances, we had many reasons to be skeptical of the regime's true intentions.

For example, Sudan has appointed its own former minister of interior, Mr. Ahmed Harun, to lead a committee to investigate human rights abuses and also to help oversee the deployment of the peacekeeping force.

Mr. Harun is wanted by the International Criminal Court for war crimes.

As interior minister, Mr. Harun helped fund, recruit, and arm the Janjaweed militia which was directly involved in perpetuating the genocide in Darfur.

Mr. Harun's place in on trial in The Hague, not investigating violence he helped perpetuate.

Equally troubling are the continued attacks on international aid workers, fissures in the peace agreement between North and South Sudan, and continued violence in Darfur.

While the Khartoum government thumbs its nose at the international community, thousands of innocent victims remain trapped in sprawling refugee camps—their lives horribly uprooted, their families traumatized with fear and dislocation.

And now, tragically, it appears that the Sudanese government was never serious about the U.N. peacekeeping force. With only 3 weeks until the deployment is scheduled to begin the Sudanese government is back to its old tricks.

A few weeks ago, the U.N.'s top peacekeeping official, Jean-Marie Guéhenno, told the Security Council that obstacles created by the Sudanese Government were jeopardizing the deployment of the new peacekeeping force.

In particular, Sudan is now objecting to the deployment of non-African peacekeepers.

Sudan's obstruction is madness and must not be tolerated.

In fact, 13 former world leaders and current activists, including former President Jimmy Carter, former U.N. Secretary General Kofi Annan, Bangladeshi microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu have called for the immediate deployment of the peacekeeping force.

This group of ''Elders'' noted in a recent report that the residents of Darfur, as well as Sudanese elsewhere, are desperate for the peacekeepers to arrive.

The stakes are too high and the humanitarian crisis has dragged on too long to allow any further backsliding by the Sudanese Government.

That is why I believe it is time to increase the pressure on the Sudanese Government.

Earlier this year I introduced 2 versions of legislation that would increase economic pressure on the Sudanese regime. Each of those bills supported state and local divestment efforts, and therefore would allow each of us to do our part to end the madness in Darfur by selling off any investments in companies that support the Sudanese regime.

I am pleased that Senator DODD, as chairman of the Banking Committee, adopted ideas from these bills into the Sudan Accountability and Divestment Act of 2007—a bill the Senate passed last week and the House just moments ago passed by a unanimous vote of 411 to 0.

I thank him, as well as Ranking Member SHELBY and others who have worked on this bill—especially Senators CORNYN and BROWNBACK, who joined me as lead sponsors of the legislation I originally introduced.

I hope Congress's support for this bill sends the Government of Sudan an important message—that its brazen delays and obstruction of an internationally sanctioned peacekeeping force in Darfur can no longer be tolerated.

CONGRATULATING OLIVET NAZARENE UNIVERSITY

Mr. DURBIN. Mr. President, I rise today to congratulate Olivet Nazarene University on its 100th-year anniversary.

Olivet Nazarene University was founded by a group of families led by Edward Richards and Orla Nesbitt in 1907, first as a grade school and later as a liberal arts college. From humble beginnings, the university has endured bankruptcy, fire, a change of location to Bourbonnais, and tornado devastation to become the fine institution of higher learning that it is today. Olivet Nazarene University has grown as a liberal arts institution, with additional locations now throughout the greater Chicago area and in Hong Kong.

The university also has the distinction of serving as the summer home of the Chicago Bears. Olivet has hosted the NFL team for its training camp since 2002.

Currently, 4,400 undergraduate and postgraduate students attend the university. Olivet Nazarene offers these students 100 undergraduate fields of study, nearly 20 master's degrees, nontraditional adult degree completion programs, and a doctor of education in ethical leadership.

Olivet Nazarene University has graduated many notable alumni who have given back to the university, the State of Illinois, and this country in significant ways. An estimated 30,000 Olivet Nazarene University alumni live and work around the world, including Georgia Southwestern State University president Kendall A. Blanchard and Ticketmaster cofounder Cecil Crawford.

Olivet Nazarene University sets a standard of affordable excellence, with a cost below average for private colleges nationwide. Approximately 96 percent of traditional undergraduates receive a total of $24.9 million in scholarships and grants.

I congratulate Olivet Nazarene University, its president, Dr. John C. Bowling, and all the staff on 100 years of service to their students and alumni, the State of Illinois, and our Nation.

FARM BILL CONFERENCE

Mr. GRASSLEY. Mr. President, I want to speak about an issue that may come up during the negotiations between the House and the Senate to reconcile the farm bill.

The bill we passed last week in the Senate included a sense-of-the-Senate resolution addressing trade in sweeteners between parties to the North American Free Trade Agreement, also known as NAFTA.

Apparently, some view this language as just a placeholder for new language that will be inserted in conference.

Even more troubling, the new language that is being contemplated would call for managed trade in sweeteners between the United States and Mexico.

The issue of trade in sweeteners between the United States and Mexico has a long history.

For years, Mexico put up barrier after barrier to our exports of high fructose corn syrup.

It started in 1998. That year, Mexico imposed an antidumping duty order on imports of high fructose corn syrup from the United States.

We challenged that order, and we won. In 2001, a dispute resolution panel determined that Mexico was out of compliance with its obligations under NAFTA.

The appellate body of the World Trade Organization reached a similar conclusion.

The antidumping duty order on our high fructose corn syrup was inconsistent with Mexico's obligations under the WTO.

Mexico finally lifted its antidumping duties in 2002. But that same year, Mexico imposed a 20 percent tax on soft drinks flavored with high fructose corn syrup.

This soda tax was designed specifically to discriminate against high fructose corn syrup imported from the United States.

As a result of this unfair discrimination, our exports of high fructose corn syrup to Mexico fell dramatically.

We challenged Mexico's discriminatory tax at the World Trade Organization.

In 2006, the appellate body determined that this tax was inconsistent with Mexico's obligations under the WTO.

Mexico complied with the WTO decision earlier this year by repealing its discriminatory soda tax.

Now, after years of pressuring Mexico to drop its unfair barriers to our exports of high fructose syrup, we're finally at a good spot.

Mexico has eliminated both its antidumping duty order and its discriminatory tax.

We are on the verge of seeing high fructose corn syrup start to flow freely across our border.

Starting January 1, 2008, Mexico is obligated to provide duty-free access to our exports of high fructose corn syrup under NAFTA.

That is why I am so concerned. This new language being contemplated for the farm bill could disrupt our legitimate expectations of free trade in high fructose corn syrup next year.

If instead of free trade we end up with managed trade, it could significantly impede our exports of high fructose corn syrup to Mexico.

Under a managed trade regime, we would presumably limit the amount of sugar that we import from Mexico.

And in response, Mexico would presumably limit imports of high fructose corn syrup from the United States.

Simply put, managed trade could reverse all the gains we have made over the years to get Mexico to take our high fructose corn syrup.

Corn farmers and high fructose corn syrup producers in Iowa and other States would, of course, be harmed by any import restrictions imposed by Mexico as a result of managed trade.

And managed trade could well result in Mexico further violating its obligations under NAFTA.

Many of my colleagues complain, legitimately, when our trading partners fail to comply with their international trade obligations.

The last thing we should do is give Mexico an excuse to violate its NAFTA obligations, particularly when it would harm U.S. agricultural producers.

The current language in the Senate-passed bill does not call for managed trade.

The current language would not likely induce Mexico to impose further restrictions on our exports of high fructose corn syrup.

As a Senator from Iowa, as well as the ranking member of the Senate Finance Committee and a member of the Committee on Agriculture, I have worked hard over the years to get a fair deal for agriculture when it comes to international trade.

In particular, I have put considerable effort into opening foreign markets to our exports of agricultural products.

Too often our trading partners have imposed barriers to U.S. farm exports. And too often those barriers are in violation of international trade obligations.

Those barriers harm American farmers and agricultural producers.

Whether it is unfair restrictions on U.S. beef exports to Japan and Korea, or under restrictions on U.S. corn exports to Europe, it is imperative that we focus our efforts to remove barriers to trade.

With effort, we have been successful in getting our trading partners to remove such barriers.

That is the case with Mexico's treatment of high fructose corn syrup, as I have described.

We can't go backwards.

Our corn farmers and our producers of high fructose corn syrup are counting on us.

I will be working hard to see that the current language on trade in sweeteners is retained without change in the conference report to the farm bill.

Free trade in high fructose corn syrup with Mexico is long overdue.

I yield the floor.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 207(c) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 207(b) discretionary spending limits and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for legislation reported by the Senate Appropriations Committee that provides a certain level of funding for fiscal year 2008 for four program integrity initiatives. The initiatives are continuing disability reviews and supplemental security income redeterminations, Internal Revenue Service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payment reviews.

On July 23, 2007, I revised both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays to reflect that the committee had reported legislation that met the conditions of 207(c) for the four program integrity initiatives. The total amount of that adjustment was an additional $1,042 million in budget authority and $699 million in outlays for fiscal year 2008.

The level of funding provided for each of the program integrity initiatives in H.R. 2764, the Consolidated Appropriations Act, 2008, however, is lower than the levels mandated by section 207(c). Consequently, I am reversing the adjustments made on July 23, 2007, to both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 207(c) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 207(b) SENATE DISCRETIONARY SPENDING LIMITS

In Millions of Dollars	Current Allocation/Limit	Adjustment	Revised Allocation/Limit
FY 2008 Discretionary Budget Authority	954,095	−1,042	953,053
FY 2008 Outlays	1,029,097	−699	1,028,398

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301(a) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that such legislation maintains coverage for those currently enrolled in SCHIP and that it not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

In addition, section 304(b)(2) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that both increases the reimbursement rate for physician services under section

1848(d) of the Social Security Act and includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures. Section 304(b)(2) authorizes the revisions provided that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Further, section 320(a) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register, or any other rule that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, transportation, or medical services under title XIX of the Social Security Act. The adjustment is contingent on such legislation not worsening the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Finally, section 320(c) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that extends the Transitional Medical Assistance program, provided that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Mr. President, I find that the Medicare, Medicaid, and SCHIP Extension Act of 2007, which was introduced today by Senators BAUCUS and GRASSLEY, satisfies the conditions of the four deficit-neutral reserve funds mentioned above. Therefore, pursuant to sections 301(a), 304(b)(2), 320(a), and 320(c) of S. Con. Res. 21, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 301(a) Deficit-Neutral Reserve Fund for SCHIP Legislation, Section 304(b)(2) Deficit-Neutral Reserve Fund, for Physician Payments, Section 320(a) Deficit-Neutral Reserve Fund for Delay of Rule, and Section 320(c) Deficit-Neutral Reserve Fund for Transitional Medical Assistance

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,121.872
FY 2010	2,175.881
FY 2011	2,357.045
FY 2012	2,499.046
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	14.946
FY 2010	12.160
FY 2011	−37.505
FY 2012	−98.050
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,512.349
FY 2009	2,526.893
FY 2010	2,580.802
FY 2011	2,695.912
FY 2012	2,735.561
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,476.144
FY 2009	2,573.701
FY 2010	2,608.687
FY 2011	2,701.268
FY 2012	2,714.335

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 301(a) Deficit-Neutral Reserve Fund for SCHIP Legislation, Section 304(b)(2) Deficit-Neutral Reserve Fund for Physician Payments, Section 320(a) Deficit-Neutral Reserve Fund for Delay of Rule, and Section 320(c) Deficit-Neutral Reserve Fund for Transitional Medical Assistance

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,088,237
FY 2008 Outlays	1,082,300
FY 2008–2012 Budget Authority	6,067,090
FY 2008–2012 Outlays	6,057,094
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	3,465
FY 2008 Outlays	4,644
FY 2008–2012 Budget Authority	−71
FY 2008–2012 Outlays	−80
Revised Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,091,702
FY 2008 Outlays	1,086,944
FY 2008–2012 Budget Authority	6,067,019
FY 2008–2012 Outlays	6,057,014

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 310 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other levels for legislation that reauthorizes terrorism risk insurance, provided that such legislation does not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 2761, the Terrorism Risk Insurance Program Reauthorization Act of 2007, which cleared the House of Representatives today, satisfies the conditions of the deficit-neutral reserve fund for terrorism risk insurance reauthorization. Therefore, pursuant to section 310, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Banking, Housing, and Urban Affairs Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the matria1 was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,122.272
FY 2010	2,176.581
FY 2011	2,357.845
FY 2012	2,500.246
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	15.346
FY 2010	12.860
FY 2011	−36.705
FY 2012	−96.850
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,512.549
FY 2009	2,527.393
FY 2010	2,581.502
FY 2011	2,696.712
FY 2012	2,736.461
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,476.344
FY 2009	2,574.201
FY 2010	2,609.387
FY 2011	2,702.068
FY 2012	2,715.235

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

[In millions of dollars]

Current Allocation to Senate Banking, Housing, and Urban Affairs Committee	
FY 2007 Budget Authority	11,641
FY 2007 Outlays	−1,788
FY 2008 Budget Authority	13,296
FY 2008 Outlays	−1,878
FY 2008–2012 Budget Authority	64,093
FY 2008–2012 Outlays	−18,543
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	200
FY 2008 Outlays	200
FY 2008–2012 Budget Authority	3,100
FY 2008–2012 Outlays	3,100
Revised Allocation to Senate Banking, Housing, and Urban Affairs Committee	
FY 2007 Budget Authority	11,641
FY 2007 Outlays	−1,788

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization—Continued

FY 2008 Budget Authority	13,496
FY 2008 Outlays	−1,678
FY 2008–2012 Budget Authority	67,193
FY 2008–2012 Outlays	−15,443

DOCTOR'S PAYMENT FIX

Mr. MARTINEZ. Mr. President, I wish to address the issue of what is commonly referred to as the Medicare ''doctor fix.'' Unless Congress acts, there will be a 10-percent reduction to Medicare reimbursement rates in the coming year; putting good doctors further at odds with Medicare payments for their service.

This is a problem that not only affects patients with Medicare but also our military veterans, many of whom rely on Medicare as their primary health care provider.

Delaying the issue will put our veterans relying—on Tricare until the age of 65 and Medicare after retirement—at increased risk of additional health problems if their ability to see a doctor remains in question.

If not addressed, millions of Americans could be denied immediate access to treatment when they need it most. It would also put an even greater strain on doctors, who are already forced to be selective in determining which Medicare patients they can treat.

This is a choice no doctor should have to make, and our seniors and doctors deserve better. We have the opportunity to act before we leave in the coming days, and I urge my colleagues to consider the consequences that would result from an additional cut to the program.

In my home State of Florida, the dilemma has reached a critical mass, with an increasing number of doctors leaving the program—refusing to continue treating a very vulnerable population. All because the bureaucracy is too much and reimbursement is too low.

These are doctors that play important roles in treating seniors in their communities. These are doctors like Dr. Troy Tippett, a neurosurgeon in Pensacola, who is often faced with the choice of continuing to treat Medicare patients at a loss or refuse them because of declining reimbursements from Medicare.

Dr. Tippett was so worried about the threat of further cuts to the Medicare reimbursements he receives, he recently called to let me know the detrimental impact the declining reimbursement rate would have on his ability to continue treating Medicare patients.

I hope for the sake of good doctors like Dr. Tippett we can develop a comprehensive, long-term solution that fixes this problem once and for all.

This is a problem, I believe, that we must fix soon, rather than kicking the can down the road and hoping the next Congress will provide an answer to the more than 40-million Medicare patients. But today, we can do our part by opposing a cut to the broken payment system that penalizes our doctors for treating Medicare patients.

We owe it to the people who have worked so hard in life and need quality care now more than ever. We also owe it to the doctors who treat them on a regular basis.

I urge my colleagues to support fixing the reimbursement rate that so many doctors in my State—and around the country—depend on, especially in the face of rising medical costs and skyrocketing medical malpractice insurance premiums.

It is my understanding that we are very close to coming to agreement on a doctor fix and that floor action could occur very soon. I am hopeful we will have the opportunity to approve that fix. We must act because our physicians and their patients are counting on us.

And while I am pleased we are about to address the problem—let's not make the mistake of leaving it as a short-term fix. The American people deserve a long-term solution. I look forward to coming back next year and working on a permanent ''doctor fix.''

RENEWABLE CONSUMER AND ENERGY EFFICIENCY ACT

Mr. INOUYE. Mr. President, today, I am pleased that the Congress is sending energy legislation to the President. For too long, the United States has taken a back seat in the fight against global warming. This bill is a good first step in moving our Nation's energy policy in the right direction.

Without the support of a number of Senators, this legislation, and title I in particular, would not have been possible. I wish to extend particular thanks to Senators FEINSTEIN, STEVENS, LEVIN, SNOWE, KERRY, DORGAN, LOTT, CARPER, BOXER, DURBIN, ALEXANDER, CORKER, and CANTWELL for their work in increasing automobile fuel economy standards.

In addition, the tireless efforts of groups dedicated to conservation and improving national security were vital to enacting this legislation. Of special note is the support of a nonpartisan group of business executives and retired senior military leaders concerned about global energy security, known as Securing America's Future Energy, SAFE. I am grateful for the support and hard work of its leaders, Frederick W. Smith and General P.X. Kelley, as well as Robbie Diamond, who served as their liaison. The Union of Concerned Scientists—David Friedman in particular—provided significant technical support and advocacy for the Ten-in-Ten Fuel Economy Act.

The White House says that the President will sign the bill tomorrow. I thank him for taking swift action on this landmark legislation.

NEW CENTURY FARM PROGRAMS

Mr. HARKIN. Mr. President, I certify that neither I nor any of my family members have a pecuniary interest in the New Century Farm Programs for which I requested congressionally directed spending via floor action on Harkin amendment No. 3500, a substitute to H.R. 2419.

NATIONAL DEFENSE AUTHORIZATION ACT

Mrs. MCCASKILL. Mr. President, this chamber approved the fiscal year 2008 National Defense Authorization Act. I am particularly pleased with the inclusion of an important provision contained in section 846 of the legislation to modernize the whistleblower protections afforded to defense contractor employees. At a time when reports of fraud, waste, and abuse in defense contracts are rampant, it is absolutely vital that we have in place the types of whistleblower protections for contractor employees that I will empower them in reporting such abuse and therefore will protect those who wish to protect American I taxpayer dollars.

I would like to thank Senator COLLINS for working with me on this important provision and further thank Senators LEVIN and MCCAIN for their leadership and stewardship of this provision through the Senate and conference-considerations of the Defense Authorization Act.

I come to the floor, however, to make one explanatory clarification as to the final language of this amendment because I think it critical that the record be clear as to the intent of the Congress. Last year in Garcetti v. Ceballos, the Supreme Court canceled constitutional protection for speech made within the normal course of an employee's execution of his or her job duties, specifically because those disclosures are covered by other whistleblower statutes. There should be absolutely no confusion that the Congress believes that the logic and holding of Garcetti is inapplicable to the defense contractor whistleblower protection statute, 10 U.S.C. 2409, as amended by section 846 of this act.

Disclosures taken to carry out job responsibilities, within the normal course of an employee's duties, are protected by this provision for three core reasons. First, they are essential preliminary steps for a responsible disclosure to the government. Second, often they in fact are indirect disclosures to Government inspectors, auditors, and investigators who must study associated internal corporate records to engage in informed oversight. Third, the purpose of whistleblower statutes is to reduce waste. But waste would be maximized if employees had to avoid their own organizations and go straight to the Government in order to avoid waiving their whistleblower rights. The law's goal is maximized by employees being empowered to safely

work within their employment structure, as a first step, so contractors can clean their own houses. Any reading that would exclude disclosures within an employee's internal chain or command would simply be an illogical, exceedingly narrow reading of the statute. Congress fully intends the employee protections, as amended, to be interpreted to include disclosures within the employee's company.

I thank my fellow Senators for joining Senator COLLINS and me in our efforts to protect whistleblowers and provide greater contractor accountability and oversight.

LOOP FUNDING

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, I rise today to clarify for the U.S. Senate the sponsorship of a congressionally designated project included in the Joint Explanatory Statement to accompany the consolidated appropriations amendment to H.R. 2764. Specifically: Senator LEVIN should be listed as having requested funding for city of Grand Rapids, MI, for LOOP funded through the Department of Justice.

INTERNET GAMBLING

Mr. KYL. Mr. President, I would like my colleagues to be aware of an important letter signed by 45 State attorneys general expressing ''grave concerns'' about Representative BARNEY FRANK's Internet Gambling Regulation and Enforcement Act, H.R. 2046.

The State attorneys general note that the recently enacted Unlawful Internet Gambling Enforcement Act of 2006 has ''effectively driven many illicit gambling operators from the American marketplace.'' The Frank bill ''proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers.'' The letter continues:

A federal license would supersede any state enforcement action, because § 5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

One final but very important point from the letter is the impact of the so-called ''opt-out'' provisions. Specifically, the letter reads:

[T]he opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

The Frank bill is unacceptable to the State attorneys general and it ought to be unacceptable to Members of Congress as well. I urge my colleagues to oppose the Frank bill or any similar proposals that would create a permissive Federal licensing scheme for Internet gambling.

I ask unanimous consent to have printed in the RECORD the letter from the National Association of Attorneys General.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, November 30, 2007.

Hon. NANCY PELOSI,
Speaker,
House of Representatives.
Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. JOHN BOEHNER,
Minority Leader,
House of Representatives.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate.

TO THE LEADERSHIP OF THE U.S. HOUSE OF REPRESENTATIVES AND SENATE:

We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the ''Internet Gambling Regulation and Enforcement Act of 2007.'' We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress:

''We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level.''

Congress responded by enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA), which has effectively driven many illicit gambling operators from the American marketplace.

But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers. The Department of the Treasury would alone decide who would receive federal licenses and whether the licensees were complying with their terms. This would represent the first time in history that the federal government would be responsible for issuing gambling licenses.

A federal license would supersede any state enforcement action, because §5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

The bill would legalize Internet gambling in each State, unless the Governor clearly specifies existing state restrictions barring Internet gambling in whole or in part. On that basis, a State may ''opt out'' of legalization for all Internet gambling or certain types of gambling. However, the opt-out for types of gambling does not clearly preserve the right of States to place conditions on legal types of gambling. Thus, for example, if the State permits poker in licensed card rooms, but only between 10 a.m. and midnight, and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the federal law might nevertheless allow 18-year-olds in that State to wager much larger amounts on poker around the clock.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

H.R. 2046 effectively nationalizes America's gambling laws on the Internet, ''harmonizing'' the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.

Sincerely,

John Suthers, Attorney General of Colorado; Bill McCollum, Attorney General of Florida; Douglas Gansler, Attorney General of Maryland; Troy King, Attorney General of Alabama; Talis J. Colberg, Attorney General of Alaska; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Edmund G. Brown, Jr., Attorney General of California; Richard Blumenthal, Attorney General of Connecticut; Joseph R. (Beau) Biden III, Attorney General of Delaware; Linda Singer, Attorney General of District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Alicia G. Limtiaco, Attorney General of Guam; Mark J. Bennett, Attorney General of Hawaii; Lawrence Wasden, Attorney General of Idaho; Lisa Madigan, Attorney General of Illinois; Stephen Carter, Attorney General of Indiana ; Paul Morrison, Attorney General of Kansas; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Lori Swanson, Attorney General of Minnesota; Jim Hood, Attorney General of Mississippi; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Kelly A. Ayotte, Attorney General of New Hampshire; Anne Milgram, Attorney General of New Jersey; Gary King, Attorney General of New Mexico; Roy Cooper, Attorney General of North Carolina; Wayne Stenehjem, Attorney General of North Dakota; Marc Dann, Attorney General of Ohio; W.A. Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Tom Corbett, Attorney General of Pennsylvania; Patrick C. Lynch, Attorney General of Rhode Island; Henry McMaster, Attorney General of South Carolina; Larry Long, Attorney General of South Dakota; Robert E. Cooper, Jr., Attorney General of Tennessee; Greg Abbott, Attorney General of Texas; Mark Shurtleff, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont; Robert McDonnell, Attorney General of Virginia; Rob McKenna, Attorney General of Washington; Darrell V. McGraw, Jr., Attorney General of West Virginia; J.B. Van Hollen, Attorney General of Wisconsin; Bruce A. Salzburg, Attorney General of Wyoming.

FARM BILL

Mr. FEINGOLD. Mr. President, I thank Senators HARKIN and CHAMBLISS for their tireless work on this important bill. I know that both worked diligently on this legislation, and that, like all of us, they have the best interests of America's farmers, ranchers, rural and urban communities at heart. I would also like to thank the committee staff for the assistance and support they have provided to me and my staff throughout the farm bill process. While I am disappointed at the lack of reform in the commodity programs, the bill does make significant improvements in a number of other programs.

The committee bill included a number of provisions I included in legislation that I introduced earlier this year, the Rural Opportunities Act, to help sustain and strengthen rural economies for the future, and create more opportunities in rural communities. I am pleased that the committee included a number of provisions similar to my legislation to support local bioeconomies and food markets, encourage local renewable fuels and biobased products, expand broadband Internet service in rural areas, and help develop the next generation of farmers, ranchers, and land managers.

The bill also includes several important provisions to increase affordable broadband service in rural areas. Critical among the bill's provisions is making sure that limited Federal resources are better targeted to actual rural areas without broadband service. Several reports have highlighted problems with the current program including funding projects in new suburban communities.

The bill also provides funding for the community food projects and other programs that promote local markets, which help farmers and consumers by providing a direct connection between them. I know that the local food movement is gaining more and more momentum, and I hope that these provisions in the bill will help expand this wonderful opportunity to even more communities across the country. There is also a clarification included in the bill that I first proposed in 2006 to help ensure that schools can use local preference when purchasing food for meals and snacks. The bill also makes an investment in advanced biofuels, as well as language from a bill I cosponsored to provide local residents an opportunity to invest in biorefineries located in their communities.

Mr. President, I am extremely pleased that the bill makes improvements to the Milk Income Loss Contract—MILC—program. Along with several of my colleagues, including Senator KOHL, I have called for the MILC program's reimbursement rate to be raised to its original 45 percent, which will happen in 2009 under this legislation. The MILC program is an important safety net for Wisconsin's dairy farmers, and one that operates in a responsible way—only kicking in and providing payments to farmers when times are tough. Milk prices are higher now than they have been in years; consequently, no MILC payments have been made since February of this year. Further, the MILC program caps the amount of payments one farmer can receive, ensuring that it helps small and medium farmers survive tough times without subsidizing expansion of larger farms. The improvements to this program are vital to farmers in Wisconsin.

The bill also makes significant improvements to existing nutrition and conservation programs. While there is room for more improvement in both of these areas, I know the committee worked hard to provide additional funds for these programs within a very tight budget. On the conservation side, the bill includes significant funding for a number of programs, including the Environmental Quality Incentives Program, EQIP, the Conservation Security Program, CSP, and the Conservation Reserve Program, CRP. I know that these and other programs are extremely popular among Wisconsin farmers and residents, and I am pleased that the committee worked to address some of the funding shortfall that exists.

The nutrition title of this bill makes significant investments in the Food Stamp Program. Perhaps most importantly, the bill ends benefit erosion by indexing benefits to inflation. The bill also removes the cap on deductions for childcare costs entirely, which had been set at $175 per month, though Wisconsin parents spend, on average, $780 per month on childcare. Lastly, the bill changes certain assets limits for the Food Stamp Program, allowing recipients to save money for retirement or to help send their children to college or other training. I know that improving food stamps was a priority for Senator HARKIN, as it was for me and many of the other Members of this body. Other important programs see an increase in this bill, including the Emergency Food Assistance Program, grants to promote use of food stamp EBT cards at farmers markets, the Fresh Fruit and Vegetable Pilot Program, and the Senior Farmers Market Program.

I was also extremely pleased to see the addition of a new livestock title in the bill to promote competition and fair practices in agriculture. As many of my colleagues know, most areas of agriculture present different challenges, and often these situations are not fully analogous to other businesses. I am glad the committee took this step to address the unique problems of agriculture. I am especially glad that a provision I authored with Senator GRASSLEY to prevent mandatory arbitration clauses in agricultural contracts was included in the bill.

In addition to the improved competition protections that will benefit livestock producers, the underlying bill contains two other provisions that are also especially beneficial. I was glad to support Senator KOHL's longstanding efforts to find a way for meat from small and often specialty State-inspected meat processors to be sold across State lines so that consumers nationwide can enjoy these high quality Wisconsin products. The underlying bill contains a compromise that appears to strike a fair balance on this issue, and this is a significant benefit to Wisconsin's local livestock producers and processors. I was also glad that the underlying bill will finally allow a country-of-origin labeling requirement for meat and produce to be enforced.

In addition to the Agriculture Committee's portion of the bill, the Finance Committee also made a significant contribution to the Senate's legislation. I was glad that my Farmer Tax Fairness Act was included in the finance portion of the bill. This legislation will update the optional ability for farmers and other self-employed individuals to remain eligible for social security and disability benefits that had been eroded by inflation. It also indexes the program to inflation, so we are not in the same situation again sometime in the future.

I would also like to thank the chairman and ranking member for accepting several of my amendments into the managers' package. First, in a continuation of an effort I began with Senator Jeffords in 1998, I am pleased that the committee accepted my amendment to improve the authority of what we had called the small farm advocate in previous amendment. I am pleased to have continued this effort with Senator SANDERS and hope that this small office can continue to help America's small and beginning farmers. On a related note, I was glad to have an amendment accepted that will ensure that small farm research priority continues to be an option even with the proposed restructuring of agricultural research. These small efforts can make a tremendous difference for our small farmers.

As many of my colleagues know, I have long been advocating for reform of the Federal milk marketing order system. To that end, I was pleased that the chairman provided for a commission to examine dairy marketing orders in his draft of the bill and hope that this commission takes a close look at the antiquated rules that provide dairy farmers at a competitive disadvantage in the upper Midwest. I was also glad to have an amendment accepted to make a small modification to ensure the commission is balanced to better consider the interests of dairy farmers and ensuring fair competition.

Ensuring transparency and fair competition in the dairy industry has also been a continuing effort throughout my Senate career. Over the past year, a couple developments showed a need for further action in this area. First, the GAO report on cash cheese trading that I requested with several of my colleagues confirmed that the market remains prone to manipulation even

though there have been some improvements. Secondly, a sustained nonfat dry milk price reporting error that lasted over a year was found to have cost dairy farmers millions in reduced prices. I was glad to have an amendment accepted that would require regular auditing of the dairy price reporting and require the USDA to better coordinate oversight of the dairy industry both within the Department and with other Federal agencies. I hope that this added diligence and transparency can help give dairy farmers added confidence in the system.

With this year's high profile case of imported wheat gluten being adulterated with melamine, it is important to assess the risks and make sure that other high-protein products are safe. I am especially concerned that unsafe imports of dairy proteins such as milk protein concentrates and casein would have the potential to undercut consumer confidence in dairy products in general and severely damage our domestic industry and producers. Therefore, I am glad that the committee accepted an amendment to require a report on all high-protein imports including both gluten and dairy proteins to make sure that we are taking the proper precautions and testing.

Every year, I distribute a survey to farmers at a booth at the Wisconsin Farm Technology Days and ask what their top challenges are. Even in this farm bill year, the responses have overwhelmingly indicated that health care is their top concern. I know that the farm bill cannot fix this problem completely and I have a proposal with Republican Senator LINDSEY GRAHAM to move forward on the broader need for health care reform. But in the meantime, farmers need help meeting their health care needs.

I have no doubt that many of my colleagues hear from farmers and their families regularly about the particular challenges they face in finding and affording health care. More and more, one member of a farming family is essentially forced to work off-farm just to be eligible for a health care plan. I cannot tell you how many times my staff and I have heard from a farmer's spouse about how much they would like to be spending their days working on the farm, with their family, but instead go into town to work as a teacher or at a bank just for the health care. I look forward to the results of a study that was cosponsored by Senator HARKIN and was also accepted into the managers' package on the challenges farmers—and the rural areas they live in—face in obtaining health care. I hope that this body can work in the future to alleviate this problem faced by so many hard-working American farmers.

I also believe that as we look to expand our Nation's renewable energy and lessen our dependence on oil, we need to provide opportunities for farmers and rural communities. Earlier this year, I introduced the Rural Opportunity Act and am very pleased that several key elements supporting local bioenergy were included in the farm bill. One amendment I got accepted encourages the USDA's continued support for and the expansion of regional bioeconomy consortiums, which can consist of land grant universities and State agriculture agencies dedicated to researching and promoting sustainable and locally supported bioenergy. I was also pleased to work with Senator COLEMAN on another ''rural opportunity'' provision, which is based on our legislation, S. 1813, to provide local residents an opportunity to invest in biorefineries located in their communities.

Mr. President, my home State is home to many organic producers. I was glad that the chairman and ranking member accepted an amendment I authored expressing the sense of the Senate that organic research at the Agricultural Research Service should get a fair share of research funding a—share proportional to its share of the market. It is hard to believe, but when we passed the 2002 farm bill, organics were a new, trendy, item. Today organics account for about 6 percent of food purchases in the U.S.

While Wisconsin is perhaps more widely known as a leader in milk and cheese production, we also lead the Nation in production of cranberries and ginseng. I was glad to see a priority competitive research area for cranberries in the underlying legislation. Similarly, I was glad that my legislation with Senator KOHL and Representative OBEY to require country-of-harvest labeling for ginseng was accepted as an amendment. This is an important step to help combat mislabeling of foreign ginseng as U.S. or Wisconsin grown, which receives a premium price for its higher quality.

While there were many positives in this legislation, these accomplishments are bittersweet for me as the Senate missed an important opportunity for meaningful targeted reform of the farm support programs. I was deeply disappointed that several amendments to make the commodity support programs more balanced to better target family farms and not concentrate payments in larger corporate-scale operations were unsuccessful.

While I cosponsored or supported several reform amendments, I was especially disappointed that despite the support of a majority of Senators, the Dorgan-Grassley payment limit and Klobuchar adjusted gross income amendments were defeated because they could not reach a 60-vote threshold. There is no good reason why large, wealthy corporate farms, nonfarmers and even estates of dead people receive hundreds of thousands of dollars per year from taxpayers. The result on Dorgan-Grassley was particularly troubling because we able to pass a similar provision in 2002.

I was also disappointed to be prevented from offering an amendment to make a progressive cut to direct payments and redirect the savings to benefit farmers and rural America with my colleague Senator MENENDEZ. Our amendment would have addressed the most serious problems with direct payments. Direct payments are particularly problematic because they are based on a history of crop growing, regardless of what is currently being grown or even whether the land is being farmed at all. Nor are they tied to need, crop prices, or weather conditions. When prices are low, they are insufficient; when prices are high, like now, they are hard to justify.

With many needs and very few new resources available for this farm bill reauthorization, we recognized the need to keep the majority of the savings in our farmers' pockets and in our rural communities, but instead of going to the largest landowners, the money would have been refocused to meet many of the unmet needs in programs that help a broad number of farmers.

Our amendment had the support of a diverse group of organizations including the Wisconsin Farmers Union, the New Jersey Conservation Foundation, the Sustainable Agriculture Coalition, the Cornucopia Institute, the National Rural Health Association, the Rural Coalition, and the National Conference of Catholic Bishops.

PATENT REFORM ACT

FURTHER IMPROVEMENTS

Mr. LEAHY. Mr. President, I would like to take a moment, along with the distinguished Senator from Utah, a longstanding member of the Judiciary Committee and a consistent partner of mine on intellectual property issues, to discuss S. 1145, the Patent Reform Act of 2007.

Mr. HATCH. I would be happy to discuss this important issue with my good friend from Vermont.

Mr. LEAHY. First, I want to express my appreciation for my colleague's efforts in working to ensure that our patent laws are modernized. We first cosponsored patent reform last Congress. We again jointly introduced comprehensive patent reform this Congress in the form of S. 1145 in April of this year. Both bills had their foundations in numerous hearings with the testimony of dozens of witnesses and in innumerable meetings with the myriad of interested participants in the patent system. The message we heard repeatedly was of the urgent need to modernize our patent laws. The leaders of the House Judiciary Committee also heeded that call to legislate, and working with them, we introduced identical, bipartisan bills. H.R. 1908 was introduced the very same day that we introduced the Senate bill.

In July, after several extensive and substantive markup sessions, the Senate Judiciary Committee reported S. 1145 favorably and on a clear and strong bipartisan vote. In the course of

our committee deliberations, a great many changes were made to improve and perfect the bill. These improvements included changes on the key issues of enhancing patent quality, clarifying rules on infringement and compensation of inventors, and improving the ability of the Patent and Trademark Office to do its job well.

Mr. HATCH. I am proud to be a leading cosponsor of patent reform. The inventiveness of our citizens is the core strength of our economy. Our Founding Fathers recognized the critically important role of patents by mandating in article 1, section 8, of the Constitution that Congress was to enact a patent law. The Congress has periodically seen fit to update the law to ensure it meets the changing needs of both science and our economy. But the current law has not seen a major revision since 1952. Much has changed since then. The courts have struggled valiantly to interpret the law in ways that make sense in light of change. but that piecemeal process has left many areas unclear and some areas of the law out of balance. So action by the Congress is needed, and needed urgently.

Mr. LEAHY. I agree with my distinguished colleague that now is the time to enact patent reform, and we are in good company in that belief. Our leadership has committed to taking up S. 1145 as early in the new year as possible, and we commend that commitment. I fully recognize that when the bill was reported by the Judiciary Committee, a number of members expressed a strong view that the bill should be further perfected before it comes to a vote on the floor of the Senate. I made a commitment to the members of the Judiciary Committee at the markup that I would work closely with each of them, and other Members of the Senate, to make further improvements in the bill. I reaffirm that commitment.

Mr. HATCH. Thank you. I was among the members of the committee who expressed the view that while I believed we were reporting a very sound bill, further improvements should be considered. I very much appreciate your willingness to work with me and other Senators and very much appreciate your commitment.

Mr. LEAHY. As you and I have discussed, successful enactment of patent reform requires the input of all Senators. Over the past months, since the committee reported the bill, I have had numerous meetings with both members and affected interests. I know you have too. My staff has had literally hundreds of meetings and discussions about this legislation. In the course of those meetings, it has become clear to me that several issues are on the minds of most people: ensuring compensation for infringement is fair and adequate; clarifying rules on venue; and improving the ability of parties to challenge the validity of granted patents through administrative processes.

Mr. HATCH. I agree with my colleague, further improvements should be considered to key provisions of the bill, including damages, postgrant review, inequitable conduct defense, and venue.

Let me just say a few words about the need to make further reforms to the inequitable conduct defense. I commend Senator LEAHY for working to develop an effective solution to the problem of the inequitable conduct defense during committee deliberation in July. No doubt he has done a good job in initiating this process. We certainly share many perspectives on how to reform this area of the law, but I believe more must be done to change the use of this defense as an unfair litigation tactic.

I know some have opposed any meaningful changes in this area because of how it would affect the generic pharmaceutical industry. As a coauthor of the Drug Price Competition and Patent Restoration Act, informally known as the Hatch-Waxman Act, I certainly understand the generic drug industry, but S. 1145 is an innovator's bill. Unless we promote and protect a structure that fosters a strong and vibrant environment for innovators, there will be fewer and fewer drugs for the generics to manufacture—and all, including patients, will suffer.

Much like Senator LEAHY, my staff and I have met with many interested stakeholders and individuals about these provisions, and they have stated that further refinements to these four key provisions would garner even greater support of S. 1145. I firmly believe that compromise on each of these provisions is achievable, and I know that my good friend from Vermont would agree.

Mr. LEAHY. Over the course of early January, I invite you and our colleagues to work with me to find viable solutions. It is my intention to seek and hear the views of any and all parties and to include all interested staff and Senators. This will continue to be an open and deliberative process, with the goal of favorable Senate action as early as the floor schedule permits. I am committed to a strong and effective balanced bill. I know there are some out there who would rather see us do nothing and leave the systems now in place or merely codify current jurisprudence. I believe that following this course would be shirking our responsibility to ensuring the economic strength of our country that is built on inventiveness.

Mr. HATCH. I agree with your intentions and applaud your plan. I stand ready to work with you and each of our colleagues. I also agree that this should not become an excuse for further delay or for doing nothing. Unfortunately, some would like to play political football with this bill to pursue other agenda items. Make no mistake: this bill is far too important and should not fall prey to such partisan tactics from either side. The Senate has a tremendous opportunity and responsibility to further strengthen our Nation's competitiveness through meaningful patent reform.

HONORING REPRESENTATIVE JULIA CARSON

Mr. BAYH. Mr. President, in remembrance of Congresswoman JULIA CARSON, who died on December 15, 2007, I have printed in the RECORD a column written by former Representative Andy Jacobs Jr. of Indiana.

There being no objection, the material was ordered to be printed in the RECORD as follows:

REMEMBERING CONGRESS'S JEWEL NAMED JULIA

''Look where he came from and look where he went; and wasn't he a kind of tough struggler all his life right up to the finish?'' The words are those of Carl Sandburg in praise of Abraham Lincoln. The same praise could and should be said of our sister, the late Rep. Julia Carson (D–Ind.), who has passed beyond the sound of our voices into the sunset of her temporal life and into a dawn of history.

Where did she come from? Same place as Lincoln—Kentucky. And like him, she was born both to physical poverty and spiritual wealth, and moved to Indiana.

Another similarity: Julia also had an ''angel mother,'' Velma Porter, who put a lot of physical, mental and spiritual nutrients into the little flowerpot of her only child.

Fast-forward to a month after my first and improbable election to Congress. I was told by mutual friends that at the Chrysler UAW office, I could find a remarkable woman to join me as a co-worker in my Washington Congressional office. Remarkable? Understatement. Thus began my 47–year friendship and, eventually, virtual sibling-ship with the already honorable Julia Carson, one of the most intelligent, ethical, industrious and compassionate people I have ever known.

Check out her first Congressional brainstorm. It started a national trend. Why make constituents in need of Congressional assistance with bureaucratic problems travel all the way to D.C. to get it? Why not take that part of the office to them? So we adopted her suggestion and did our ''case work'' in Indianapolis with Julia at the helm. It set an example that has been followed by other Congressional offices all over the country ever since. OK, there was one other factor. She had two little kids she preferred to rear in Indianapolis, doing well by her kids by doing good for her country.

Later, my refusal to bring home a particularly pernicious piece of political pork earned me a severe gerrymander that, together with the Nixon landslide, ejected me from Congress. Nothing is all bad; the beneficiary of the gerrymander was my much-admired friend, Bill Hudnut (R). That was the year I had to talk Julia into running for the state House of Representatives. She thought it would be disloyal to our friendship because it would take her away from my campaign, which was a campaign of futility that year.

She was elected to the state House, where she served with distinction and, in time, she became a state Senator, again gaining friends and admirers on both sides of the aisle.

Still later, she became the Center Township trustee and produced real ''welfare reform,'' not with ignorant histrionic speeches and braggadocio, but with hard, quiet and meticulous work. It was reform that broke no poor child's heart, nor sent such a child to bed hungry. She not only ferreted out welfare cheats, but also sued them and got the money back for the taxpayers. Her reform wiped out a long-standing multimillion-dollar debt, moving the then-Marion County Republican auditor to say, ''She wrestled the monster to the ground.''

Julia was unique in that she was the only human being ever to be named Woman of the Year by The Indianapolis Star on two different occasions.

It was common parlance to say, ''Congresswoman Carson's people,'' a reference to poor black constituents. Rubbish. The 7th district is about 70 percent nonblack and ''her people'' were all the people of the 7th, regardless of physical or economic description. Millionaires can be treated unjustly by the federal government just as middle- and low-income citizens can. And wherever there was injustice, this Lincoln-like lady was there to redress it. Her political philosophy was a plank from the Sermon on the Mount: ''Blessed are they who thirst for justice.''

There's another one: ''Blessed are the peacemakers.'' She cast our vote against the conspicuously unconstitutional resolution that gave the Cheney gang a fig leaf to order our innocent military to the fraudulent and internationally illegal blood-soaked blunder in Iraq.

Julia called me just before she cast that vote and said that, in view of the dishonesty, panic and jingoism of the moment, she expected to lose the next election. ''Courage,'' my mother said, ''is fear that has said its prayers.''

Our Julia, who art in Heaven.

TRIBUTE TO FORMER GEORGIA HOUSE LEADER TOM MURPHY

Mr. CHAMBLISS. Mr. President, I want to associate the following comments with my distinguished colleague and friend, Senator ISAKSON, to honor the late former Georgia House Leader Tom Murphy, who passed away last night.

Tom, known by his friends as Speaker and others as ''Mr. Speaker,'' was once the longest serving State House speaker in the nation, serving Georgia from 1974 to 2002. In describing the life's work of Tom Murphy, one of our veteran reporters in Atlanta quoted an old 1960's western film and wrote, ''When the legend becomes fact, print the legend.'' The reporter goes on to say, ''There will be no such confusion over Tom Murphy, the tough-talking master politician whose gruff exterior concealed a heart that ached for the poor and helpless and in the Speaker's case, they were one and the same.''

He was a true champion for our great State, and all Georgians, from Rabun Gap to Tybee Light, will reap the benefits of Tom's work legacy for generations to come.

During the time Tom served our State, Georgia became one of the leading States to attract international business, our ports were expanded, the Quick Start program was created and expanded to help companies train new workers, and teachers salaries were given higher priority.

The expressway system in Georgia was completed during his tenure, and if you live in the vicinity of Atlanta, you have Tom to thank for the widening of the connector in Atlanta; additional runways at Hartsfield-Jackson International Airport; and the World Congress Center that was built and expanded to allow Georgia to compete for conventions and trade shows.

He was always supportive of rural Georgia and agribusiness, and he was part of a transformation of our state into a State that has a significantly more diversified and stronger economic base than ever before.

One of our former colleagues, former Senator and Governor, Zell Miller, one of our greatest Governors, describes his working relationship with Tom as one that was tumultuous, but mutually beneficial. They worked together for many years in the State legislature, and it is no secret that the two often dueled over many issues, but they always had Georgia's best interest in mind. Zell has stated, ''If there had not been a Tom Murphy, I guess I would have created one, and if there had not been a Zell Miller, I guess he would have had to create one. Because that's the way we rallied our troops.'' Both recognized that they could not survive without the other.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, I ask unanimous consent to have printed in the RECORD Zell's interview.

Tom's integrity and fairness were his trademarks, and he will always be remembered for his longstanding commitment to Georgia values.

When we depart from this world, we all hope to leave it a better place. Tom Murphy left Georgia better than he found it.

''HE WAS A ONE-OF-A-KIND'' INDIVIDUAL

(By Dick Pettys)

Make no mistake: there was real respect and, yes, even affection between Tom Murphy and Zell Miller, though you would never have known it from the way Murphy introduced Miller on occasion as the ''extinguished'' lieutenant governor, or the way Miller referred to Murphy's House as the ''mausoleum'' for his legislative initiatives.

Murphy, who died Monday, and Miller came to the Georgia Legislature in the same year—1961—and their careers were forever entangled after Murphy became Speaker and Miller became lieutenant governor and later governor.

''I've often thought this as I looked back on (our) careers—we worked off each other to benefit what we were trying to get done,'' Miller said in a telephone interview Tuesday. ''If there had not been a Tom Murphy, I guess I would have created one, and if there had not been a Zell Miller, I guess he would have had to create one. Because that's the way we rallied our troops.''

At such times, it often took a woman's touch to keep them from doing each other a bodily harm, and Shirley Miller filled that role, Murphy used to say.

There was sadness in Miller's voice as he spoke of Murphy's legacy.

''He was a one-of-a-kind individual, and for four decades whatever happened in Georgia, he was right in the middle of it,'' Miller said. ''We will never see, I don't think, ever again one Georgia leader have the power that he had for as many years as he had it. It's really remarkable and I don't think the way politics is today that you'll ever see that again.''

Miller, who taught college history at an earlier point in his career, said Murphy came along at an historic time in the state's history.

''We were all the same. We were white male Democrats, mostly from rural Georgia. And then suddenly that all changed with the court rulings and the county unit system, reapportionment and all of that. And it became a very, very volatile time to be in politics.

And the fact that he could hold that House together like he did for so many years, it's really historic.

''Loyalty is the most important ingredient in legislative politics and he enjoyed that from his House like no one ever has before or will again,'' he said.

Why?

''They knew it was a two-way street; that he would look after them and he would be as loyal to them as they were to him. He, of course, very wisely would place people in various positions which would be of benefit to him later . . . Next to his real family, the House was his family.''

''The night I was elected (November, 1990), he was one of the first to come up to where we were, and I appreciated that. The next day, I went up to the third floor, sat down and told him I might could get elected without him, but I sure couldn't govern without him. That was the truth.

''We worked together and fought together for so many years, it's hard to believe what a long period of time it really was. I give him a lot of credit for the fiscal soundness of the sound and bringing along rural legislators on things like the World Congress Center, which was not an easy job. So many things. It's a shame he didn't get that reservoir, which was looked upon as sort of pork at the time. It would have helped today if we had had it.''

For both men and for the state, that remarkable period of time was quite a ride. ''I feel very, very fortunate to have been part of it,'' he said.

COMMENDING CINDY CHANG

Mr. GREGG. Mr. President, I want to take a moment to recognize the hard work of Ms. Cindy Chang, Senior Adviser for Budget and Appropriations at the State Department's Bureau of Legislative Affairs.

Cindy has worked closely with the State, Foreign Operations, and Related Programs Appropriations Subcommittee for the past several years and has been an invaluable asset to the Congress. Cindy understands the appropriations and budget processes. She understands foreign policy, whether the complexities associated with the Middle East or the nuances of Southeast Asia. Cindy is also extremely responsive to the subcommittee's many and frequent requests for information.

Secretary of State Condoleezza Rice should understand that in the opinion of the Appropriations Committee, Cindy Chang is among the brightest stars at the State Department. As the year draws to a close, my staff joins me in recognizing and thanking Cindy for her outstanding support of the subcommittee in 2007.

SPECIAL THANKS TO WALLY RUSTAD

Mr. CONRAD. Mr. President, today I want to pay tribute to an outstanding friend and advisor, Wally Rustad, who will be concluding his time as chief of staff on January 10, 2008.

In July 2007, when my longtime chief of staff announced his intention to retire, Wally agreed to come out of retirement to serve as interim chief of staff during the transition period. Wally was no stranger to my office. Following a long career working for the National Rural Electric Cooperatives, he served as my state liaison for 6 years. In fact, Wally and I have a history of working together that spans back over 40 years when I was an intern in the office of Congressman Rolland Redlin and he was serving as the young chief of staff for the Congressman. Wally and I have been working together in one form or another ever since.

Wally came on board as my interim chief of staff and immediately provided the steady leadership that is crucial during times of change. During his tenure in my office, Wally has done an outstanding job of seeing my staff through personnel changes and legislative challenges, and has provided me the steady advice of a seasoned veteran. His work has been outstanding.

Finally, and most importantly, Wally Rustad is an outstanding person. He has never forgotten the small-town values he learned growing up Grenora, ND. He has worked quietly and tirelessly behind the scenes to make things happen and was always happy to divert credit to others. He has been tremendously loyal, dedicated, and a passionate advocate for the people of my State. He has never forgotten that he is working for the American taxpayer. And he has been a good friend and a mentor to others on staff.

With extraordinary gratitude for his time serving as my chief of staff, I wish Wally well as he returns home to his lovely wife Marlys. I have been blessed to have Wally as a trusted advisor and confidante but most importantly he has been a great friend. I wish him all the best as he returns to retirement and look forward to continuing our association for many years to come.

CONSTITUENT VIEWS

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter from Mr. Richard Morgan from Shavertown, PA, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 7, 2007.

Re: Congressional members

Hon. ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SPECTER: My name is Richard H. Morgan. I reside at 145 Woodbine Road, Shavertown, PA. I am retired at 72 years of age and a military veteran of the U.S. Navy and U.S. Coast Guard. I have been a Republican since 21 years of age.

On November 20, 2007 at 11 a.m., you returned my phone call. During our conversation I agreed to write a letter stating my views of the job the Senate has done. You agreed to read this letter on the Senate floor. I told you I would really like to stand and talk in front of the Senate.

I am part of the great generation of people who lived, worked, and died for this country. I often wonder to myself where we as a society let our country go so wrong. We are not safe in our own country. I am not afraid of terrorists from other countries; I have greater fear from my own government. I would like to list a few examples.

First, congressional personnel do not live their lives as the working average middle class nor our lower class society. They think of us as uneducated. They may be right since we placed our trust in their hands and believed they would do the job right. I question too what has happened to the oath of office they took as a serious promise to us and God. The majority of Congress lacks integrity and humility. They are definitely not role models for our society. I know our country's business can be conducted better. I have no special interest groups to benefit by my vote.

Second, I have a problem concerning social security and how the word entitlements is used. It makes me feel like they are giving me personally a handout. The social security trust fund is completely funded by the citizens of the United States through payroll tax deductions and collected by the Internal Revenue Service. I must add that they are elected by citizens to manage these funds for us and not to fund other programs. So, I feel the word of entitlements should have reference to congressional perks, which are completely funded by tax paying citizens.

Finally, my third area of concern is the marriage of congressional members and corporate business. I am not sure if it's illegal, but I do know it's unethical. This has caused so much damage to my country. I have done the research on many programs such as the Bureau of Public Debt, Federal Accounting, and the U.S. Office of Personnel Management.

The answer to this whole problem is for all elected congressional members to gain a conscience or to resign from office.

Respectively,

RICHARD H. MORGAN.

RESTORING JUSTICE FOR BOOKER TOWNSELL

Mr. FEINGOLD. Mr. President, today I want to take a moment to recognize a victory for the cause of justice, albeit one that is long overdue. In 1944, Booker Townsell, a private in the U.S. Army, was convicted of a crime in an unfair and racially biased trial, 63 years ago to this day. I join Booker Townsell's family in heralding the recent decision by the Army Board for Correction of Military Records to overturn this conviction and restore all rights lost as a result of the conviction. Although Booker Townsell is no longer with us, and no ruling can change the injustice that Booker Townsell suffered when he was wrongly convicted by the Army in 1944, I am pleased to see that the Army is rejecting the original decision handed down 63 years ago.

Despite the injustice he suffered, Booker Townsell displayed tremendous strength, and went on to lead a full life in Wisconsin, including raising a wonderful family. I am glad to see the tremendous weight of this conviction lifted from his family. It is due to their valiant effort that this decision was finally overturned. I also thank Congressmen JIM MCDERMOTT and DUNCAN HUNTER for putting vital pressure on the Army to review the 1944 decision. While it has taken far too long, 63 years later, justice has finally been restored to Booker Townsell and his family.

HONORING DENIS O'DONOVAN

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following resolution from the HELP Committee to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

Resolution commending Denis O'Donovan with deepest sincerity for his dedicated and skillful work to improve the health and well-being of the American people.

Whereas Denis O'Donovan has served with distinction and skill for 10 years as Chief Clerk of the Committee on Health, Education, Labor and Pensions of the Senate;

Whereas Denis O'Donovan exemplifies the best traditions of selfless public service, having devoted 40 years to improving the lives of all Americans through service to the Senate;

Whereas Denis O'Donovan has met every Member of the Committee and their staffs with cheerfulness and consideration;

Whereas the faultless competence of Denis O'Donovan has enabled the Committee to function effectively under Chairmen of both parties;

Whereas Denis O'Donovan will begin a well-earned retirement next month; and

Whereas Denis O'Donovan may be gone as of this date, but he will never be forgotten by those who had the fortune to work with him: Now, therefore, be it

Resolved, That the Committee on Health, Education, Labor and Pensions of the Senate—

(1) commends Denis O'Donovan with deepest sincerity for his dedicated and skillful work to improve the health and well-being of the American people; and

(2) wishes Denis O'Donovan all happiness and fulfillment in retirement.

RETIREMENT OF PATRICIA KNIGHT

Mr. KENNEDY. Mr. President, I rise to acknowledge the retirement from the Senate of a person of great skill and accomplishment, Patricia Knight. She will be greatly missed.

Trish has devoted more than a quarter century of her life to public service, the last nine years as chief of staff to my good friend and colleague, Senator ORRIN HATCH. Her leadership on so many issues over that time has improved the lives of millions of Americans in so many ways.

Over the years, Trish has brought her skills and energy to bear on a range of important issues from energy policy to foreign policy and so much more. She served in the Reagan administration and the first Bush administration as a key adviser on health legislation. She has been an aide on the Appropriations Committee covering bills as vast as funding for the Commerce Department and our foreign aid programs.

In no area has her able hand been more evident than health care. Before her appointment as chief of staff, Trish served as chief health adviser to Senator HATCH. In that capacity, she was his lead staffer in the creation of the Children's Health Insurance Program which today provides health coverage to more than 6 million poor children. She was a leader, too, in improving the work of the Food and Drug Administration in enhancing the safety and efficacy of prescription drugs and food. The Public Health Service is a stronger agency because of Trish's able work.

Most of all, she has been a trusted adviser and friend to so many of us. It was always clear where Trish stood on a question, and she always had clear reasons for her views. Everyone who worked with her respected her for her wisdom, judgment and determination to succeed. Her subtle humor and great spirit got us through many very difficult negotiations.

Trish, we love you and we will miss you and wish you well in the next adventure.

TRIBUTE TO RETA LAFORD

Mr. CRAPO. Mr. President, I am proud to announce the recent appointment of my legislative fellow for 2007, Ms. Reta LaFord, to the position of Deputy Forest Supervisor on the Coronado National Forest in New Mexico and Arizona. Reta has been invaluable in my office throughout this past year, specializing in Native-American and natural-resource issues. Her 20 years of experience working for the Forest Service in Montana and other parts of the West provided me with greater expertise related to how the Federal Government can successfully work with the tribes and other stakeholder groups on critical land management issues. She has particular sensitivity to the cultural concerns of the tribes in the West, and the USDA Forest Service will indeed gain from her knowledge and understanding as the Federal Government works with tribal governments in the Coronado National Forest to resolve important resource management challenges. Reta's diligence and thoroughness for the projects she manages will bring her tremendous success in this next chapter of her career.

I wish her the very best and thank her for her devoted service to the great state of Idaho during 2007. She will be missed in my office.

THE EAGLES

Mr. LEAHY. Mr. President, I have had the privilege of attending performances by the Eagles, and I have enjoyed a long friendship with Don Henley and the members of the band.

I talked with Don recently about their new double-disc set ''Long Road Out of Eden'' and how they came about making it. We also talked about the last impromptu performance of the Eagles I attended, which was at Camp David at a farewell party for President Bill Clinton, who was leaving office within 48 hours. As always, they were superb.

I have listened so many times to their music while traveling, at my home in Vermont, and in my office, and I thought my colleagues may benefit from the transcript of an interview Don Henley recently had with CNN. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NASHVILLE, TENNESSEE (CNN).—It may have been 28 years since the last Eagles studio album—yes, ''The Long Run'' came out in 1979—but, in terms of sales, it's as if the famed band has never left.

The group's new CD, the double-disc set ''Long Road Out of Eden,'' debuted at No. 1 on the Billboard album charts with more than 700,000 copies sold in its first week. This—despite its being available only at Wal-Mart.

That relationship with America's biggest merchant has also raised eyebrows. Wal-Mart's reputation does not seem to dovetail with the interests of the Eagles, particularly the band's Don Henley, an outspoken environmentalist.

In a rare interview, Henley addressed those concerns, along with the idea of patriotism, the changing music business, and why ''Long Road'' may be the group's last album.

CNN's Denise Quan spoke to Henley at the Country Music Association awards last week, and said that Henley was a ''true Southern gentleman,'' ending the interview by sending the crew on its way with plates of mashed potatoes, corn and biscuits.

CNN. Don Henley, congratulations on the first-week sales of this album. I think it exceeded everyone's expectations.

HENLEY. More than 700,000 in this country. And I'm told it has sold 3 million worldwide. So we're delighted.

CNN. Somewhere, Kanye West is quaking in his boots, I would imagine.

HENLEY. I doubt it. (Laughs)

CNN. You made us wait 28 years for this new CD.

HENLEY. Yeah. Well, we don't like to rush into things.

CNN. I was surprised when it was announced you had gone with a Wal-Mart deal exclusively. Why did you do that?

HENLEY. Our deal with the major label expired several years ago, and we just decided we wanted to try something new. . . . Everybody's been calling for a new paradigm in the record industry. Some people have gone to the Internet and haven't had a lot of success with that.

Some people have decided to go with the indie labels, who are mostly distributed by the major labels. Some people have signed with major coffee companies with varying degrees of success.

So Wal-Mart came to us, and they made us a really good offer. And they told us about their green initiative, and how they're trying to make their company more ecologically responsible. And we were impressed by their programs in that regard, and what they're trying to do. And a lot of our fans are customers of Wal-Mart, so we thought it was a good fit.

CNN. There are two discs in ''Long Road Out of Eden.'' One disc is full of romantic ballads with those harmonies the Eagles are known for, and the other disc is full of satirical, witty, kind of biting—

HENLEY. (Interrupts) Thank you. Thank you for not using the word ''cynical.'' (Laugh) Which has become a real cliche.

Protest songs are an old tradition that seems to be coming back now. People writing about government has been going on since the Middle Ages. . . . But to hear some journalists tell it, this is like it's never been done before, and it's outrageous!

If people don't agree with us, they can hit the skip button. We are ticked off about some things, but we also do some of it with humor. People seem to miss our humor. A lot. It seems to go (brushes side of his head with his hand).

CNN. The Eagles have long been associated with the country sound—only you brought the rock element to it when you first appeared on the scene.

HENLEY. Yeah, yeah.

CNN. But your politics are different than a lot of people in Nashville, who are more conservative than I would say you are.

HENLEY. Yeah. Well, Nashville is changing. Nashville is not nearly as conservative as it used to be.

CNN. People just don't talk about it, perhaps.

HENLEY. It's just like you don't talk about religion and politics. This country was founded on rebellion. We believe that we are patriotic. We believe that everyone has the right to speak out. In fact, we believe that it's unpatriotic not to speak out.

Lord knows, we've been criticized enough during our career. When we were younger, (adopts Bugs Bunny voice) it hurt our widdle feewings. But now we have no feelings! We had them removed. Surgically. This is probably the last Eagles album that we'll ever make. So we decided to just say whatever we felt like saying. And let the chips fall where they may.

CNN. But doesn't the success of this album spur you to make more music? Obviously, people want to hear it.

HENLEY. I can't sit here and tell you for certain that there will never be another Eagles album, but we got 20 songs on this album. You know, we got a lot of things off our chest, so to speak.

I don't know if everybody's going to want to do another one. If we do a world tour, that'll take at least two years. We're all pushing 60. Well, some of us are 60. . . .

Anyway, we'll see. But we all have some solo plans still. I still have a contract with a major label for a couple of solo albums. I think parenting is one of the highest things on our agenda right now. We all have young children. So making another album is not our first priority right now.

CNN. It seems like you've mellowed quite a bit. Is it fatherhood that's changed you, or perhaps just turning 60?

HENLEY. I think we've all mellowed in this group. I think having children was really good for all of us. And you supposedly get mellower with age. However, as some of the songs will indicate, we're not too mellow. (Pauses)

CNN. What are you thinking?

HENLEY. I hate that word ''mellow,'' actually. We've been saddled with that word since the very beginning of our career, you know. It has something to do with Southern California. I wish they would find a new word. We're either ''mellow'' or we're ''cynical.'' They can't make up their minds. It's sort of a contradiction.

CNN. But I think you've been sort of a contradiction. Certainly an enigma to a lot of people.

HENLEY. Well, good! (Laughs) Yeah, well, this band is a contradiction. This album is. But life is a contradiction, isn't it? There are good things, and there are bad things going on in the world simultaneously. There's love and hate. There's war and peace. There are all kinds of things happening at the same time. And so that's reflected on this album, I think.

CNN. So how are you guys all getting along these days?

HENLEY. The same. (Laughs)

CNN. For better or worse?

HENLEY. All that stuff has been exaggerated. You ask any band if they get along all the time, and they will tell you, ''Of course not.'' But we get along, I'd say, as well as any band does.

There's something we've created called the Eagles that's more important than any one of us individually. And we serve that. You know, we call it ''The Mothership.'' We can all do this, that and the other, but we always come back to the Mothership. It's something that we all built together.

And all this stuff about fighting in the band, and brawling, and fistfights and all that stuff has been grossly exaggerated. When it gets reprinted, and our publicist says, ''Well, where'd you get that information,'' they invariably say, ''I read it on the Internet''—as if the Internet were some source of truth! The Internet is no more accurate than the New York Post, you know.

(Looks straight into the camera lens) Put that in! (Laughs)

ADDITIONAL STATEMENTS

CARROLL COLLEGE FIGHTING SAINTS FOOTBALL TEAM

● Mr. BAUCUS. Mr. President, I wish to recognize a group of hard working student athletes from my hometown who continue to make history.

This past Saturday, on a mud soaked field in Savannah, TN, the Carroll College Fighting Saints football team claimed their fifth National Association of Intercollegiate Athletics championship in the past six seasons. The Fighting Saints overcame the weather and a tough squad from the University of Sioux Falls in South Dakota to prevail with a 17 to 9 victory.

Carroll College is a private, Catholic college in my hometown of Helena, MT. Carroll boasts an enrollment of about 1,500 students and is known around the country for its award-winning academic and preprofessional programs. Carroll is particularly strong in premedical, engineering, and nursing programs.

The Saints enjoy great support from the community of Helena and from folks all across Big Sky country. Fans pack Nelson Stadium on the Carroll campus each Saturday when there is a home game. Rain, snow, sub-zero temperatures—nothing will stop the Carroll faithful from coming out to cheer on their beloved Saints. I always look forward to being a part of the crowd whenever I can. The student cheering section known as the ''Carroll Crazies'' joins with parents and community members to create an atmosphere that is so energetic on game day you would think you were at a much larger school.

Like hard working folks all across Montana I value my money, but I was so confident that Carroll would be victorious in the title game that I made a little wager with my good friend from South Dakota, Senator Tim Johnson. The winner gets some delicious buffalo steaks my staff and I look forward to enjoying them. A special thanks to Senator JOHNSON for being such a good sport.

In the title game the Saints were led by running back Gabe Le, who slogged through the mud to pick up 116 hard-fought yards and scored Carroll's only two touchdowns on the day. For his efforts Le, a sophomore from Hayden, ID, was named the offensive player of the game. Le started the season as a backup but found his way into the starting lineup and rushed for over 100 yards in each of Carroll's four victories in the playoffs. The Carroll defense rose to the occasion and slowed down Sioux Falls' high-flying offense. Hard hitting linebacker Owen Koeppen, a junior from Florence, MT, took the honors as defensive player of the game. Koeppen has also been named to the 2007 American Football Coaches Association NAIA All-America Team.

The 2007 edition of the Fighting Saints was particularly dominant. They finished the season a perfect 15–0, running their record over the past 6 years to an astounding 79 to 6. The squad didn't surrender a touchdown until the eighth game of the season and gave up an average of less than five points per game. Carroll outscored their opponents by a combined total of 370 to 72.

Head football coach Mike Van Diest, a native of East Helena, came home in 1999 to coach the Saints. In addition to the five national titles, the Saints have won eight straight Frontier Conference championships and made it to the semifinal round of the NAIA playoffs seven times under his direction. Van Diest is not only a fantastic coach who has built a winning football program; he is an even better person, husband, and father. Mike has taught his players many life lessons along the way. He preaches the importance of getting a quality education, the value of teamwork, and the need to give back to the community. This embodies the service mission of Carroll College and the school's motto, ''Not for school but for life.'' Coach Van Diest has a lifetime of respect and appreciation for the Carroll standard and tradition of excellence and the college is truly blessed to have him.

All of Carroll's athletic programs have enjoyed great success as of late. This fall the women's soccer team won the first ever Frontier Conference Championship and claimed their first ever victory at the NAIA national tournament. The men's and women's basketball team and the volleyball team have also won numerous conference championships in recent years and have represented the school proudly in regional and national tournaments. This record of excellence can be attributed to the fine student athletes that come to Carroll from towns small and large all across Montana and the Northwest. These individuals put it all on the line not only on the playing fields and courts but also in the classroom. I appreciate and admire this tradition of excellence in both athletics and academics. Many athletes achieve honor roll status and go on to experience success in their respective fields of study. The dedicated coaches and their staff have nurtured and helped these athletes to grow by putting in countless hours throughout the year to prepare for their respective seasons. Athletic director Bruce Parker also deserves recognition as he has helped to build and oversee the success of Carroll athletics.

Finally, I would like to congratulate the president of Carroll College, Dr. Tom Trebon, whose leadership and dedication have made Carroll the highly regarded institution that it is. I look forward to cheering on the Saints again in 2008 as they begin their quest for an unprecedented sixth national title. I know they will make Montana proud.●

TRIBUTE TO FORT CAMPBELL HIGH SCHOOL

● Mr. BUNNING. Mr. President, I wish to pay tribute to the Fort Campbell Varsity football team from Fort Campbell, KY. On December 8, 2007, the Fort Campbell High School Varsity football team won the Class 2–A State Championship in Louisville, KY.

For the young men on this team, this is not just a trophy; it is an affirmation that with hard work and determination, anything is possible. To accomplish this goal the members not only have to juggle long practices and games, but they continue to achieve academic excellence. Not only are these young men excellent athletes and students, but they pride themselves in giving back to their community for all the support they have received by doing community service, fundraising, and school public relations.

Fort Campbell, KY, is proud to be home to the 101st Airborne Division and 160th Special Operations Airborne Division. Many of the players on the Fort Campbell Falcons have loved ones currently serving our Nation abroad. I am confident that these loved ones would be proud of what the Falcons have accomplished this season.

The citizens of Fort Campbell, KY, are fortunate to have the 2007 Class 2–A State Champions and families living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I am very proud of the accomplishments these young men have made. I would like to congratulate the members of the Fort Campbell High School Varsity football team for their success. But, also, I want to congratulate their peers, coaches, teachers, administrators, and dedicated parents for the support and sacrifices they have made to help the Fort Campbell High School football team make their dreams a reality.●

VALDOSTA STATE NATIONAL CHAMPIONS

• Mr. CHAMBLISS. Mr. President, today I wish to congratulate the Valdosta State University Blazers football team for winning the 2007 NCAA Division II National Championship.

The Blazers celebrated their second national championship in 4 years on December 15, 2007, in Florence, AL, and completed their season with a final record of 13 to 1. Valdosta State's playoff run included victories over Catawba University, University of North Alabama, and the University of California-Pennsylvania en route to defeating Northwest Missouri State 25 to 20 in the championship game.

I am extremely proud of these talented men for all of their hard work and dedication that contributed to this victory. I congratulate all of the team members, particularly the senior class. Their leadership and talents will surely be missed. In addition, sophomore wide receiver Cedric Jones and junior safety Sherard Reynolds were both named First-Team All-Americans. The Blazers also had seven players named to the Gulf South Conference All-Conference Team, including Cedric Jones, Gerald Davis, William Montford, Sherard Reynolds, Maurice Leggett, Michael Terry, and Travis Harrison. Furthermore, I would like to extend my appreciation to all the families and fans for their continual support of the Blazers throughout the season.

The success of the team could not have been achieved without the exceptional coaching staff, led by head coach David Dean. Coach Dean is in his first season as head coach of the Blazers, having been the team's offensive coordinator for the past 7 years. He is only the second first-year coach in history to lead his team to a Division II title.

Valdosta, a city long known for its tradition in high school football, can now boast about the success of Valdosta State University, which has won 2 Division II National Championships in 4 years. It is my hope that the winning tradition at Valdosta State will continue for many years to come.

Congratulations again to all of these young men and to all associated with the Valdosta State Blazers football program for their great accomplishments and hard work.•

BEST HIGH SCHOOLS IN NEW MEXICO

• Mr. DOMENICI. Mr. President, today I applaud the top public high schools in my home State of New Mexico. I was pleased to learn that in U.S. News and World Report's first ranking of America's best high schools, 16 high schools in New Mexico were awarded with silver and bronze medals for their outstanding performance on standardized tests and in providing college-level coursework.

The students come from many different backgrounds, but they are successful because of the mind-set that says every student can succeed. These schools and the communities around them have embraced the differences in their student body and demonstrated that every single student, regardless of background, can and will learn. It takes the dedicated leadership of a good principal, a talented teaching corps and engaged parents to achieve this level.

The teachers and staff of these high schools have demonstrated their commitment to excellence through quality education. I have always been very proud to call New Mexico my home because of the countless opportunities it provides. This is a well deserved recognition for the excellent work being done by these high schools, and I would like to congratulate them on their great success.

The following schools were commended with awards: Academy for Technology and the Classics in Santa Fe, NM; Bloomfield High School in Bloomfield, NM; Clayton High School in Clayton, NM; Cliff High School in Cliff, NM; Eldorado High School in Albuquerque, NM; East Mountain Charter High School in Sandia Park, NM; Hagerman High School in Hagerman, NM; La Cueva High School in Albuquerque, NM; Lake Arthur High School in Lake Arthur, NM; Logan High School in Logan, NM; Los Alamos High School in Los Alamos, NM; Magdalena High School in Magdalena, NM; Sandia High School in Albuquerque, NM; Springer High School in Springer, NM; Tatum High School in Tatum, NM; and Texico High School in Texico, NM.

Again, I commend these fine high schools on a job well done, and I hope that these awards will inspire high schools in my home State and around the country to strive for the best.•

TRIBUTE TO THE HONORABLE STEPHEN LOW

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished former member of the Foreign Service, the Honorable Stephen Low, on the occasion of his recent 80th birthday on December 2, 2007. He has rendered many years of service to our Nation, and I am honored to celebrate this milestone and his achievements.

Upon receiving his doctorate from the Fletcher School of Law and Diplomacy in 1956, the future Ambassador joined the Department of State as an Intelligence Research Officer in what was then the Bureau of Far Eastern Affairs. In the years that followed, Ambassador Low served as the Economic-Labor Officer in Kampala, Uganda; the Chief of Political Section, Dakar, Senegal; the Special Assistant to the Deputy Under Secretary of State for Political Affairs; and the Counselor for Political Affairs in Brasilia, Brazil. He then returned to Washington where he was named the Director of Brazil Affairs in the early 1970s.

During the Ford administration, Stephen Low advised our Nation's policymakers on the National Security Council as the senior staff member for Latin America. He then returned to service abroad, as the U.S. Ambassador to Nigeria. Three years later he served as Ambassador to Zambia. Ambassador Low performed these duties admirably, receiving the Department of State Distinguished Honor Award and two Presidential Meritorious Service Awards.

In 1982 Ambassador Low became the Director of the State Department's Foreign Service Institute, the Federal Government's primary training institution for officers and support personnel of the U.S. foreign affairs community. His commitment to education has been steadfast ever since. In addition to teaching and administrative posts at the Johns Hopkins University and other schools, Ambassador Low was named President of the Association of Diplomatic Studies and Teaching, an office he held until 1997.

Today the Ambassador continues his active career. As President and Founder of the Foreign Affairs Museum Council, Ambassador Low worked with members of Congress and all living former Secretaries of State to improve public understanding of the role of diplomacy and the Foreign Service. As he has stated:

> Many Americans have little idea what an embassy is, or what an ambassador does. Nor are they aware that our diplomats and other Foreign Service personnel work 24/7 around the world in the interest of the American people.

His subsequent advocacy and leadership in the planning of a National Museum of American Diplomacy at the Department of State has helped to ensure that our Nation honors the past achievements and ongoing service of our country's diplomats.

I congratulate Ambassador Low on his 80th birthday and his lifetime of achievement. I wish him many more years of good health and active service to our country.

I ask that the attached resolution be printed in the RECORD.

The material follows.

Congratulating Hon. Stephen Low on a lifetime of service to the cause and promotion of American diplomacy, and on the recent passing of his 80th birthday on December 2, 2007;

Whereas throughout his years as a career Foreign Service Officer, Ambassador Low served as the U.S. Ambassador to Nigeria and the U.S. Ambassador to Zambia;

Whereas while advising the National Security Council, Ambassador Low served as a senior staff member for Latin America;

Whereas Ambassador Low has received the Department of State Distinguished Honor Award and two Presidential Meritorious Service Awards;

Whereas in his commitment to education, Ambassador Low has served as the Director of the State Department's Foreign Service Institute, President of the Association for Diplomatic Studies and Training, and several teaching posts in the United States and abroad;

Whereas Ambassador Low continues to be active in the creation of a museum and center for the study of American diplomacy at the Department of State: Now, therefore, be it

Resolved, That the Committee on Foreign Relations expresses to Ambassador Low deep appreciation for his service to the Department of State and the United States of America.●

SERGEANT AARON HENEHAN

● Ms. MURKOWSKI. Mr. President, During this holiday season, I would like to recognize the soldiers and veterans from Alaska who have given so much and continue to give so much. I would like them to know that their sacrifices in Afghanistan and Iraq have not gone unnoticed by their fellow Alaskans. When I was in Iraq I had the pleasure of meeting soldiers and National Guardsmen from Anchorage, Fairbanks, Seward, Soldotna, Eagle River, Slana, and Wasilla. Hearing their stories and commitment made me incredibly proud to be an Alaskan.

Every day, Alaskans write my office praising the service men and women who have returned and those still in combat. Sometimes it is just a short message conveying their support, while other times is a long heartfelt letter praising our heroes and expressing solidarity with them for the sacrifices they have made. I truly believe that the fact that Alaska has the largest number of veterans per capita says a lot about our State's character.

Alaskan veterans are some of the most exemplary in the Armed Forces. The 172nd Stryker Brigade in particular had their tour in Iraq extended to 16 months, but when their country asked them for more they remained strong and proud. Just last week I received an e-mail from the commander of the 172nd. He informed me that on December 12 Sgt. Gregory Williams from the 172nd was presented the Distinguished Service Cross, the second highest award for valor, for his actions in combat while in Baghdad. Despite being injured himself when their vehicle was struck by a bomb, Sergeant Williams was able to return fire and help a wounded comrade to safety. To date, there have been only eight Distinguished Service Crosses awarded since the war began in 2001.

We Alaskans often enjoy doing things our own way. In Iraq, one Alaskan marine discovered he had hidden talents he never imagined when his innovative approach to searching out insurgents earned him the Navy and Marine Corps Commendation Medal. SGT Aaron A. Henehan led his squad to search out and detain 18 ''blacklist'' or high-value insurgents while on his third tour in Iraq.

An adventurous young man, Sergeant Henehan was barely out of high school and anxious to see the world when he first thought of signing up to serve his country. September 11 and the outbreak of war did not cause his decision to waiver an inch.

Sergeant Henehan deployed in April of 2003 and spent his first tour in the town of Babylon in Najaf Province. He served his country well, like many who fought alongside him, and began to learn the undercurrents and inner workings of Iraqi society. He returned for a second tour to Husaybah, near Iraq's border with Syria in August 2004. At the time Husaybah was a dangerous town.

Sergeant Henehan served his second tour in Iraq with distinction again but still felt he needed to do more. Before deploying for his third and final tour in February of 2006 he told friends and family back home that he yearned to make a difference in Iraq, a sentiment many American soldiers and guardsmen share with him. He spent a lot of time between his second and third tours thinking about what he could do differently, how he could learn from his experience and achieve a better result.

Combining his marine training with information he learned from a retired LAPD officer deployed to Iraq to teach our troops urban tactics, Sergeant Henehan approached his third tour with what he referred to as a ''beat cop mentality.'' He wanted to approach the problem of rounding up insurgents as if he were a native of the area. He spent his free time studying the tribal history and geography of Husaybah for hours at a time.

The ability to put his plan in motion, Sergeant Henehan says, was made possible in part by Operation Steel Curtain, which had cleared Husaybah block by block, and set up outposts called ''firm bases'' throughout the city. Upon returning for his third tour, Sergeant Henehan immediately noticed that after this push, while not always willing to openly support the coalition forces, many Iraqis felt safe enough to give him tips on where the insurgents were hiding. This change in mentality, coupled with Sergeant Henehan's knowledge of family and tribal connections, allowed him to determine which people to ask about each of the 18 high value insurgents he located. He knew exactly who would be willing to tip him off about a social rival or historic foe.

Traveling with an interpreter, Sergeant Henehan had a talent for remembering names and personal details. He took every opportunity he could to talk with the locals and learn about the town's social organization and tribal boundaries, often returning several times to talk with the same families to gain their trust. Bringing with him candy, doctors, and his good humor, he would knock on doors and politely ask to chat. Entire families opened up to him. Sometimes it would start with a toy given to a child; sometimes it was a heartfelt conversation with a shopkeeper. The response he got astonished everyone, including the insurgents hiding out in the town.

The 12 marines in his squad called him a fair, but tough leader who they felt very safe with. His intense and proactive preparation for the more than 80 combat missions which he led and his personal attention to each of his 12 soldiers' well-being gave them a sense of security. They too noted how his relaxed Alaskan exterior quickly helped earn him the respect of the townspeople.

Even more remarkably, Sergeant Henehan's reputation for being fair and caring allowed him to detain all 18 high-value insurgents without any real violence. These 18 also led him to their associates, significantly disrupting insurgent operations in that part of Al Anbar Province. Sergeant Henehan remained behind after his unit returned to the States to train new troops about how he learned to wage urban warfare while gaining the trust of the townspeople. The downturn in violence in Al Anbar can be linked, in part, to his efforts and efforts of those like him.

Sergeant Henehan is currently attending a California community college and plans to transfer to a larger State school after completing his distribution credits. He wants to major in computer programs and even talks of one day creating video games that more accurately portray what war in the modern era is like. He has already begun organizing photographs from his three tours to use as backdrops. Clearly his talent for careful planning and his desire to share his knowledge and experiences with others did not leave with his donning of civilian clothes. I wish him the best in all his future endeavors, just as I wish the best for all of our Alaskan veterans and those now serving.●

TRIBUTE TO DR. DOUGLAS C. PATTERSON

● Mr. SESSIONS. Mr. President, today I commend a distinguished resident of the State of Alabama, Dr. Douglas C. Patterson on the occasion of his retirement from Troy University. Upon receiving his bachelor's degree from Alabama College in 1967, Patterson was commissioned a lieutenant in the U.S. Marine Corps and served as a platoon commander for a Combat Engineer Platoon and as an intelligence officer for the First Engineer Battalion of the First Marine Division in the Republic of Vietnam.

Upon returning from Vietnam, Patterson received his masters from the University of Montevallo and his doctorate from the University of Alabama. Dr. Patterson's experience includes serving as a high school counselor, director of Counseling and Career Services at Jefferson State Junior College, vice president for instruction at the Alabama Institute for the Deaf and Blind and currently, he serves as the senior vice chancellor for administration for Troy University.

Dr. Patterson has served Troy University with great honor and distinction as a senior administrator since 1989 and has provided exemplary service to the university and to the citizens of the State of Alabama. During his tenure as senior vice chancellor for administration, Dr. Patterson directed

the institution's finance and budgeting, information technology, institutional effectiveness, television and radio, strategic planning, athletics, and day-to-day operations. Under his leadership, the University has enjoyed an unprecedented era of growth, doubling worldwide student enrollment to almost 30,000 students. Dr. Patterson has been instrumental in Troy University's glowing record of stewardship and financial stability, garnering praise and awards from the National Association of College and University Business Officers and earning TROY recognition as a ''Best Value'' university from such publications as MONEY Magazine and The Princeton Review. Dr. Patterson played a key role in the university's decision to move Troy University athletics to the highest level of NCAA competition, bringing national recognition to the university and fostering pride among its students, alumni, and friends. Dr. Patterson was recently honored by Troy University as the Honorary Alumnus of the Year for 2007.

I commend Dr. Douglas C. Patterson, on the occasion of his retirement from Troy University, for his leadership in Alabama higher education and for his outstanding service to Alabama and our country.●

HONORING SIMPLY DIVINE BROWNIES

● Ms. SNOWE. Mr. President, with the holiday season upon us, I rise today to recognize a Maine small business that operates with a philosophy of giving back to those in need. Simply Divine Brownies of Brunswick is a baker and distributor of gourmet brownies and assorted gift packages that recently received well-deserved attention for finishing second in Forbes magazine's Boost Your Business contest.

Founded in November 2004 as a home business by Trina Beaulier, Simply Divine Brownies is a true treat for the taste buds. In just 3 years, the company has grown to 20 employees, including Trina's daughter Meggen, and now operates in Brunswick's historic Fort Andross Mill. Its gourmet brownies range from the chocolate and nut-filled brownies to the more eclectic cappuccino or peppermint frosted brownies. Seizing the opportunity to bring a creative twist to the epicurean world, Simply Divine produces brownies with a unique Maine accent. The Need'him is a chocolate and coconut brownie based on the needham, a traditional Maine cookie. And the Singin' the Blues consists of a chocolate brownie that is covered with blueberry buttercream frosting and topped with wild Maine blueberries. Simply Divine's brownies also come in a variety of shapes, such as Christmas trees, wedding cakes, and lobsters and even palm trees for those seeking a different climate. Remarkably, Simply Divine is also able to offer Reflection Brownies imprinted with a digital image of the client's choosing, as novel remembrances for special occasions.

What makes the company so special—aside from its delicious baked goods—is what Trina and Meggen do to help the less fortunate. Seeking to use their skills to help others, they developed the Divine Intervention Brownie Collection. These specialty brownies come in the shape of hearts and stars, and after each purchase of one of these sets, Simply Divine donates a portion of the proceeds to Volunteers for America, a national nonprofit group that assists people of all ages in rebuilding their lives. Whether it be helping the homeless find safe and affordable housing, or aiding at-risk teens and those with mental illnesses, Volunteers for America helps over 2 million people in over 400 communities, a task that it has successfully performed since 1896. Volunteers for America's philanthropic acts of kindness and compassion are admirable, and at this time of year, we can be particularly thankful for the work that Simply Divine Brownies and other businesses like it do to make these programs a reality.

For all their hard work and success, the Beauliers have been celebrated in various capacities over the past several years. Their brownies have been cited as the Snack of the Day on the ''Rachel Ray Show'' and have also been featured on NBC's ''Today's Show.'' Most recently, and perhaps most prominently, Simply Divine came in second in online voting for a Forbes magazine contest to receive a financial assistance package to grow its business. They beat out nearly 1,000 other small companies to place in the final round. Having to create a forward-looking business plan for the contest has been of tremendous benefit to the Beauliers, who say that their newfound knowledge, combined with increased sales and peaked interest in the company, has allowed them to forge ahead with their planned expansion.

In the past 3 years, Simply Divine Brownies has made a name for itself. As a family-owned small business that has flourished and continues to receive accolades of the highest accord, Simply Divine's growth certainly has not gone unnoticed. Yet, through it all, the Beauliers and the employees at Simply Divine have found the will and desire to make a difference, and they are to be commended for their insatiable appetite to brighten the lives of others. I wish Trina and Meggen Beaulier and everyone at Simply Divine Brownies a happy holiday season, and continued success in the years to come.●

TRIBUTE TO FLOYD RED CROW WESTERMAN

● Mr. THUNE. Mr. President, today I recognize Floyd Red Crow Westerman. Mr. Westerman passed away early in the morning on Thursday, December 13, 2007, at the age of 71.

Floyd was born on the Lake Traverse Reservation in Northeast South Dakota on August 17, 1936. When he was just 5 years old, he was removed from his family to attend Wahpeton Indian School. He later transferred to Flandreau Indian School where he finished out his high school education. After high school, Floyd went on to graduate from Northern State University majoring in art, speech, and theatre.

Mr. Westerman was a very intelligent and talented individual. He was a man of many trades including acting, singing, and songwriting. His acting career was especially extensive. He performed in more than 50 movies and television shows. Some of his more popular acting works included, ''Dances with Wolves,'' ''Hidalgo,'' ''The X-Files,'' and ''Walker, Texas Ranger.''

His music career was also a successful one. Mr. Westerman performed with many talented musicians including Johnny Cash, Willie Nelson, Bonnie Raitt, Harry Belafonte, Jackson Browne, Kris Kristofferson, and Don Henley.

Floyd Red Crow Westerman was a thoughtful, kind, and inspiring man. Although many will miss him, I know his spirit will never be forgotten.●

MESSAGES FROM THE HOUSE

At 11:10 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, without amendment:

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''.

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

At 2:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the amendments of the Senate to the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending in September 30, 2008, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the following resolution:

H. Res. 880. Resolution relative to the death of the Honorable Julia Carson, a Representative from the State of Indiana.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1374. An act to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes.

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3454. An act to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries.

H.R. 3911. An act to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the ''Lance Corporal Dennis James Veater Post Office''.

H.R. 4210. An act to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 4220. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4342. An act to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the ''Dan Miller Post Office Building''.

H. J. Res. 15. Joint resolution recognizing the contributions of the Christmas tree industry to the United States economy.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. 246. Concurrent resolution honoring the United States Marine Corps for serving and defending the United State on the anniversary of its founding on November 10, 1775.

H. Con. Res. 254. Concurrent resolution recognizing and celebrating the centennial of Oklahoma statehood.

H. Con. Res. 270. Concurrent resolution to make corrections in the enrollment of the bill H.R. 1593.

ENROLLED BILL SIGNED

At 4:11 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 6. An act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:35 p.m., a message from the House of Representatives, delivered by Ms. Brandon announced that the House agrees to the amendment of the Senate to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

At 6:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the title of the bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 8:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 597. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''.

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

H.R. 797. An act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the ''Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic''.

H.R. 2671. An act to designate the United States Courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''.

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4386. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by personnel at the Naval Surface Warfare Center; to the Committee on Appropriations.

EC–4387. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a multiyear procurement that is being sought for UH/HH–60M and MH–60S aircraft for fiscal year 2007 through fiscal year 2011; to the Committee on Armed Services.

EC–4388. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Receiving Reports for Shipments'' (DFARS Case 2006–D024) received on December 18, 2007; to the Committee on Armed Services.

EC–4389. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ship Critical Safety Items'' (DFARS Case 2007–D016) received on December 18, 2007; to the Committee on Armed Services.

EC–4390. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Information Assurance Contractor Training and Certification'' (DFARS Case 2006–D023) received on December 18, 2007; to the Committee on Armed Services.

EC–4391. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Functions Exempt from Private Sector Performance'' (DFARS Case 2007–D019) received on December 18, 2007; to the Committee on Armed Services.

EC–4392. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''DoD Representations and Certifications in the Online Representations and Certifications Application'' (DFARS Case 2006–D032) received on December 18, 2007; to the Committee on Armed Services.

EC–4393. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General John M. Brown III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4394. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Terrance T. Etnyre, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–4395. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–4396. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–4397. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations; Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway—Winter Use'' (RIN1024–AD29) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4398. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Authentic Native Handicrafts'' (RIN1024–AD20) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4399. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations—National Capital Region—Parking'' (RIN1024–AD40) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4400. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indian Oil Valuation'' (RIN1010–AD00) received on December 17, 2007; to the Committee on Energy and Natural Resources.

EC–4401. A communication from the Under Secretary for Science, Department of Energy, transmitting, pursuant to law, a report relative to energy and water supplies; to the Committee on Energy and Natural Resources.

EC–4402. A communication from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent'' (RIN3150–AH40) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4403. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule'' (FRL No. 8506–4) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4404. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Missouri; Clean Air Interstate Rule'' (FRL No. 8506–8) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4405. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Nebraska; Interstate Transport of Pollution'' (FRL No. 8507–1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4406. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans of Michigan: Clean Air Interstate Rule'' (FRL No. 8508–1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4407. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)'' (FRL No. 8339–2) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4408. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Privacy and Disclosure of Official Records and Information'' (RIN0960–AG14) received on December 12, 2007; to the Committee on Finance.

EC–4409. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Certain Foreign Currency Transactions'' (Revenue Ruling 2008–1) received on December 10, 2007; to the Committee on Finance.

EC–4410. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Timing, Character, Source and Other Issues Respecting Prepaid Forward Contracts and Similar Arrangements'' (Notice 2008–2) received on December 10, 2007; to the Committee on Finance.

EC–4411. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fast Track Loan Modifications'' (Rev. Proc. 2007–72) received on December 10, 2007; to the Committee on Finance.

EC–4412. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Creditability of Mexican Single Rate Business Tax'' (Notice 2008–3) received on December 11, 2007; to the Committee on Finance.

EC–4413. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Diagnostic Medical Procedures'' (Revenue Ruling 2007–72) received on December 11, 2007; to the Committee on Finance.

EC–4414. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Partnership Audit Techniques Guide—Chapters 3, 4, 5, 6 and 9'' (Docket No. LMSB–04–1107–076) received on December 17, 2007; to the Committee on Finance.

EC–4415. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the status of consular training with respect to travel and identity documents; to the Committee on Foreign Relations.

EC–4416. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the six-month suspension of the limitation on the obligation of the State Department under the Jerusalem Embassy Act of 1995; to the Committee on Foreign Relations.

EC–4417. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–212 , ''Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4418. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–213 , ''School Proximity Traffic Calming Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4419. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-214 , ''Lower Income Homeownership Cooperative Housing Association Re-Clarification Temporary Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4420. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-215 , ''Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grantmaking Authority Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4421. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-216 , ''School Modernization Use of Funds Requirements Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4422. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 17-210 , ''Health Services Planning Program Re-establishment Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4423. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-208 , ''Mortgage Disclosure Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4424. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-206 , ''Heurich House Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4425. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-207 , ''Southeast Water and Sewer Improvement Special Assessment Authorization Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4426. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-205 , ''Home Equity Protection Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4427. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-198 , ''Closing of a Public Alley in Square N-515, S.O. 07-6534, Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4428. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-197 , ''Closing of a Portion of a Public Alley in Square 234, S.O. 07-7717, Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4429. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-195 , ''Omnibus Sports Consolidation Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4430. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-194 , ''Closing of a Public Alley in Square 347, S.O. 06-5596, Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4431. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–178, ''Advisory Neighborhood Commission Clarification Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4432. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–191 , ''Retail Service Station Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4433. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–193, ''District of Columbia Regional Airports Authority Clarification Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4434. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–192, ''Neighborhood Investment Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4435. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a proposed personnel management demonstration project; to the Committee on Homeland Security and Governmental Affairs.

EC–4436. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Report relative to its competitive sourcing accomplishments for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4437. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a personnel management demonstration project at the National Nuclear Security Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–4438. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period from April 1, 2007, to September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4439. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled ''Fiscal Year 2007 Financial Report of the U.S. Government''; to the Committee on Homeland Security and Governmental Affairs.

EC–4440. A communication from the Archivist of the United States, transmitting, pursuant to law, the Administration's inventory of commercial and inherently governmental activities for fiscal year 2006 and fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4441. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Electioneering Communications'' (Notice 2007–26) received on December 17, 2007; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2008'' (Rept. No. 110–250).

By Mr. SCHUMER, from the Joint Economic Committee:

Special Report entitled ''The 2007 Joint Economic Report'' (Rept. No. 110–251).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3571. A bill to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1551. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

*Mary Beth Long, of Virginia, to be an Assistant Secretary of Defense.

*John H. Gibson, of Texas, to be an Assistant Secretary of the Air Force.

*Craig W. Duehring, of Minnesota, to be an Assistant Secretary of the Air Force.

Air Force nomination of Lt. Gen. Roger A. Brady, 6581, to be General.

Air Force nomination of Maj. Gen. Richard Y. Newton III, 8008, to be Lieutenant General.

Air Force nomination of Col. Walter D. Givhan, 4773, to be Brigadier General.

Air Force nomination of Maj. Gen. William L. Shelton, 0678, to be Lieutenant General.

Air Force nomination of Col. Allyson R. Solomon, 1378, to be Brigadier General.

Air Force nominations beginning with Col. Christopher F. Burne and ending with Col. Dwight D. Creasy, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Colonel Robert B. Abrams and ending with Colonel Larry D. Wyche, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007. (minus 1 nominee: Colonel David A. Teeples)

Army nomination of Lt. Gen. R. Steven Whitcomb, 7058, to be Lieutenant General.

Army nomination of Brig. Gen. John A. Macdonald, 0573, to be Major General.

Army nomination of Col. Dana K. Chipman, 5098, to be Brigadier General.

Army nomination of Brig. Gen. Dennis L. Celletti, 9486, to be Major General.

Army nomination of Lt. Gen. David P. Valcourt, 6455, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Joseph V. Treanor III, 1454, to be Colonel.

Air Force nomination of Pamala L. Browngrayson, 7980, to be Major.

Air Force nomination of Alicia J. Edwards, 1872, to be Major.

Air Force nominations beginning with Theresa D. Browndoonquah and ending with Cheryl A. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with Jeffrey J. Hoffmann and ending with Gerald B.

Whisler III, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with Kelley A. Brown and ending with Mark A. Nielsen, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with John R. Shaw and ending with Natalie L. Restivo, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with William E. Ackerman and ending with Mark A. Vaitkus, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Rachel A. Armstrong and ending with Veronica A. Thurmond, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Vivian T. Hutson and ending with Laurie E. Sweet, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Gary D. Coleman and ending with Paul E. Whippo, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nomination of Lillian L. Landrigan, 7903, to be Lieutenant Colonel.

Army nominations beginning with Sarah B. Goldman and ending with Micheal B. Moore, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nominations beginning with Ricky A. Thomas and ending with Joseph Puskar, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Tarnjit S. Saini, 7873, to be Lieutenant Colonel.

Army nomination of Bockarie Sesay, 1511, to be Major.

Army nomination of Deborah Minnickshearin, 3875, to be Major.

Army nomination of Stephen L. Franco, 5820, to be Major.

Army nomination of George Quiroa, 9747, to be Lieutenant Colonel.

Army nominations beginning with David N. Gereski and ending with Clint E. Walker, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Kimberly K. Johnson, 4357, to be Major.

Army nominations beginning with Alan Jones and ending with Chantay P. White, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nominations beginning with Marian Amrein and ending with D060583, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Daniel J. Judge, 1126, to be Lieutenant Colonel.

Army nominations beginning with Richard Harrison and ending with Gregory W. Walter, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nominations beginning with Joe R. Wardlaw and ending with Nickolas Karajohn, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nominations beginning with Vanessa M. Meyer and ending with James E. Adams, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nomination of Quindola M. Crowley, 9098, to be Lieutenant Colonel.

Army nominations beginning with Paul A. Mabry and ending with Robert Perito, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Joseph M. Adams and ending with D060256, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Anthony J. Abati and ending with D060260, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with David P. Acevedo and ending with X1408, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Navy nomination of Horace E. Gilchrist, 8910, to be Lieutenant Commander.

Navy nominations beginning with Richard W. Sisk and ending with John T. Schofield, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Navy nominations beginning with Stephen W. Aldridge and ending with Kristofer J. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*Thomas C. Carper, of Illinois, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Nancy A. Naples, of New York, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Denver Stutler, Jr., of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2012.

*Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

*Coast Guard nomination of Rear Adm. (lh) Michael R. Seward, 2642, to be Rear Admiral.

*Coast Guard nominations beginning with Capt. Joseph R. Castillo and ending with Capt. Charles W. Ray, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

*Coast Guard nominations beginning with Rear Adm. (lh) William D. Baumgartner and ending with Rear Adm. (lh) Cynthia A. Coogan, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Robert A. Stohlman, 0118, to be Captain.

*Coast Guard nomination of Raymond S. Kingsley, 9696, to be Lieutenant.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2012.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2013.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. BIDEN (for himself, Mr. SPECTER, Mr. GRAHAM, and Mr. CARDIN)):

S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 2496. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to enhance teaching standards and provide for license portability; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR:

S. 2497. A bill to ensure that families of members of the National Guard and Reserve have full access to mental health care during the mobilization, deployment, and demobilization of such members, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2498. A bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2499. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes; considered and passed.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. CORKER):

S. 2500. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself, Mrs. BOXER, Mr. REED, Ms. MIKULSKI, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. LEAHY, Mr. INOUYE, and Mrs. MURRAY):

S. 2501. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2502. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the

Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 2503. A bill to exclude from admission to the United States aliens who have directly and significantly contributed to the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. LEAHY, Mr. HAGEL, Mr. CORKER, Mr. AKAKA, Mrs. CLINTON, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, and Mr. TESTER):

S. 2504. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL:

S. 2505. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. DODD):

S. 2506. A bill to amend the Energy Policy and Conservation Act to modify a provision relating to the Northeast Home Heating Oil Reserve Account; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mrs. BOXER):

S. 2507. A bill to address the digital television transition in border states; to the Committee on Commerce, Science, and Transportation.

By Mr. SALAZAR:

S. 2508. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, and Mr. HAGEL):

S. 2509. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available or variance technology has been identified; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself and Mr. ISAKSON):

S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MIKULSKI, and Ms. LANDRIEU):

S. 2511. A bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2512. A bill to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 2513. A bill to modify the boundary of the Minute Man National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mrs. CLINTON):

S. 2514. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mrs. CLINTON):

S. 2515. A bill to amend the Public Health Service Act to establish a comprehensive national system for skilled construction workers to assist first responders in disasters; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself and Mr. KENNEDY):

S. 2516. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. KERRY, and Mr. COLEMAN):

S. 2517. A bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2518. A bill to amend the Internal Revenue Code of 1986 to simplify the individual income tax by providing an election for eligible individuals to only be subject to a simple, low-rate tax system on gross income with an individual tax credit, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 409. A resolution commending the service of the Honorable Trent Lott, a Senator from the State of Mississippi; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. SANDERS):

S. Res. 410. A resolution designating February 17, 2008, as ''Race Day in America'' and highlighting the 50th running of the Daytona 500; considered and agreed to.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. Res. 411. A resolution honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia; considered and agreed to.

By Mr. BURR (for himself and Mrs. DOLE):

S. Res. 412. A resolution commending the Appalachian State University Mountaineers of Boone, North Carolina, for winning the 2007 National Collegiate Athletic Association Division 1 Football Championship Subdivision (formerly Division 1-AA) Championship; considered and agreed to.

By Mr. BURR (for himself and Mrs. DOLE):

S. Res. 413. A resolution commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men's Soccer National Championship; considered and agreed to.

By Mr. BIDEN (for himself and Ms. COLLINS):

S. Res. 414. A resolution designating January 2008 as ''National Stalking Awareness Month''; considered and agreed to.

By Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, Mr. COCHRAN, Mrs. BOXER, Ms. STABENOW, Mr. LEVIN, Mr. MENENDEZ, Mr. STEVENS, Mr. ENZI, Mr. ROBERTS, Mr. SCHUMER, and Mr. LAUTENBERG):

S. Res. 415. A resolution honoring the life and recognizing the accomplishments of William Karnet ''Bill'' Willis, pioneer and Hall of Fame football player for both Ohio State University and the Cleveland Browns; considered and agreed to.

By Mr. NELSON of Nebraska (for himself, Mr. BINGAMAN, Mr. BROWNBACK, Ms. COLLINS, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. GRAHAM, Mrs. LINCOLN, Mr. SALAZAR, Mr. TESTER, Mr. ROBERTS, and Mr. ALLARD):

S. Res. 416. A resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; considered and agreed to.

By Mr. AKAKA:

S. Con. Res. 59. A concurrent resolution expressing the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. KYL):

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan; to the Committee on Finance.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 61. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. LEAHY (for himself, Mr. SPECTER, and Mr. KYL):

S. Con. Res. 62. A resolution to correct the enrollment of H.R. 660; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 211

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 218

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 316

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 382

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 513

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 661

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 790

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 937

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1011

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1011, a bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health.

S. 1270

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1270, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1842

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1842, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful

practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1858

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2069

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2159

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2188

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2428

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2428, a bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2468

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2468, a bill to authorize the Secretary of Agriculture (acting through the Chief of the Forest Service) to enter into a cooperative agreement with the State of Wyoming to allow the State of Wyoming to conduct certain forest and watershed restoration services, and for other purposes.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. CON. RES. 53

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. BIDEN (for himself, Mr. SPECTER, Mr. GRAHAM and Mr. CARDIN)):

S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise on behalf myself, Senators ARLEN SPECTER, LINDSEY GRAHAM, and BEN CARDIN to introduce the Bail Bond Fairness Act of 2007. This bill will ensure that all defendants, not just rich defendants, have access to bail and pre-trial release.

The Bail Reform Act was meant to ensure the defendant's appearance in court. Over the past 2 decades, however, many judges have been forfeiting bonds for behavior outside the predictability or control of a bondsman. If bondsmen are forced to warrant behavior they can't predict or control, they will raise their rates, rendering bonds unavailable to many indigent defendants. These defendants will the go to jail pending trial, swelling our prison population and draining our budget.

This bill mandates that a bail bond may be forfeited only if a defendant fails to appear in court as ordered. Professional bail agents would be able to return to the Federal court system to provide bail for defendants because bail would not be forfeited for violations of conditions that are completely out of their control such as failure to maintain employment.

Let me be clear, this bill does not change a judge's authority to set or restrict bail. We're not talking about putting more criminals back into the community. A judge still has to determine a defendant's flight risk and threat to the community and make a

judgment regarding pretrial release in terms of bail amount and conditions. Violent criminals will—and should—be held in custody.

Please join us in ensuring that all defendants, regardless of wealth, have access to pretrial release in the Federal system.

By Mr. BINGAMAN:

S. 2496. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to enhance teaching standards and provide for license portability; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Enhancing Teaching Standards and License Portability Act of 2007. This bill would encourage the development and implementation of rigorous 21st century teaching standards throughout the U.S.

Since the release of the 1983 report, A Nation at Risk, educators and policymakers have sought to strengthen our Nation's weakening grip on global competitiveness. Despite these efforts, low achievement outcomes for too many students, particularly low income students, remain a threat to our current and future standing in the global economy, and to our children's future security. I am concerned about the continuing struggles of many of our schools.

In order to graduate from high school ready to succeed in postsecondary education and the workforce, students need a world-class 21st century education. Their success depends on access to high quality teachers who have both state-of-the-art content knowledge and excellent teaching skills. Teachers deserve access to the most up-to-date teaching standards if they are to attain these professional criteria. Moreover, assessments of quality teaching must be based on the characteristics that are known to influence student achievement outcomes.

The Enhancing Teaching Standards and License Portability Act provides the commitment and resources needed to help teachers attain these 21st century teaching skills.

In the early 1990s, the Interstate New Teacher Assessment and Support Consortium, INTASC, developed core teaching standards for beginning teachers, standards that have since been used—voluntarily—by individual States to develop teaching and certification requirements. Professional organizations such as the National Council of Teachers of Mathematics also developed subject-area teaching standards. This bill would build upon these efforts to improve teacher quality by supporting the refinement, development, and testing of K–12 teaching standards aligned with demands of the 21st century. These demands reflect content area advances in subject areas such as science and technology; advances in understanding of how students learn; the principle of universal design for learning that advocates flexible teaching to accommodate different learning styles; educators' recognition of the need to foster critical thinking, creativity, and problem-solving skills in addition to subject area knowledge; and demographic changes in student diversity such as the recent dramatic increase in English-language learners and the increased inclusion of students with disabilities in the classroom.

Specifically, this bill would provide a funding mechanism to develop or refine 21st century teaching standards, and to link those standards to performance-based teacher assessments. It would also provide subgrants to states to adopt, pilot, and implement these teaching standards and associated teacher assessments, and align their teacher licensing systems accordingly. In addition, the bill would promote and facilitate reciprocity and portability of teaching licenses across states. I am very pleased that this bill is supported by several education groups devoted to enhancing the quality and coherence of teaching standards, including the Council of Chief State School Officers, the American Association of Colleges for Teacher Education, the National Association of Secondary School Principals, the National Council of Teachers of Mathematics, the International Reading Association, the National Science Teachers Association, and the National Commission on Teaching and America's Future.

I believe it is important to acknowledge that we have made some progress in improving teacher quality. As summarized in the Secretary of Education's Fifth Annual Report on Teacher Quality, the percentage of teachers who lack a full teaching certificate has declined, from 3.3 to 2.5 percent of all classroom teachers. Progress has also been reported in aligning States' K–12 student content standards with teacher certification standards; and the number of new teachers passing required State assessment exams remains high at 95 percent. The minimum examination scores required to pass these exams, however, are generally lower than the national median scores for these assessments. Such low criteria are in conflict with the NCLB definition of a highly qualified teacher as someone with demonstrated competence in content-area subject matter. Current teacher standards fail to demonstrate, much less ensure, this competency.

Researchers have demonstrated the importance of teacher competency for student outcomes, arguing that classroom practices and other aspects of teaching affect student achievement as much as, if not more than, student characteristics. A recent Education Week report revealed that teachers who score higher vs. lower on state licensing exams tend to have students who themselves achieve higher scores, particularly in mathematics, even when other factors linked to high achievement are taken into account. Other studies demonstrate that the more content-specific college coursework a math or science teacher pursues prior to teaching, the higher that teacher's students will score in math or science. Further, a study appearing in Science showed that higher student outcomes are also associated with more positive classroom experiences, and that these classroom experiences can be measured by standardized observations of the instructional and social support teachers provide. Together, these and other studies illustrate that teachers' knowledge and their observable skills in the classroom are significant influences on student achievement.

Although solid grounding in content knowledge is necessary for 21st century learners, it alone is not sufficient. Students today need to develop creativity, critical thinking skills, and problem solving abilities to compete in our global economy. This means that teachers must teach higher-order thinking skills in addition to content information, and create opportunities to learn. Research has shown that students of teachers who can convey higher-order thinking skills and subject knowledge actually outperform students whose teachers teach only subject knowledge.

As you know, Mr. President, students in the 21st century represent diversity. For example, the U.S. Department of Education reports that the rate of English-language learners has increased by 169 percent in the last 20 years, in contrast to an increase of only 12 percent in the overall student population. Nationwide, 10 percent of all students are English-language learners. In my state of New Mexico, the rate is 22 percent, second only to California, where over 25 percent of students are English-language learners. According to the National Academies Report, How People Learn, teachers need to develop an expertise grounded on the theories of learning, including theories that concern how cultural beliefs and personal characteristics of learners influence their learning process. This teaching knowledge promotes learning for all children. In fact, students whose teachers receive professional development in teaching diverse students outperform students of teachers who lack this training.

These are just a few examples of the research linking student outcomes to teacher characteristics. Linking these characteristics to rigorous teaching performance standards is an opportunity to provide world class education to our students in the 21st century. It is time to improve our teaching standards.

Towards this goal, the Enhancing Teaching Standards and License Portability Act has four main objectives.

First, to improve teacher quality by supporting the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century teaching and learning skills, and to

promote alignment of these standards with performance-based teacher assessments;

Second, to create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards and performance-based teacher assessments through a competitive grants process;

Third, to promote efforts for States to align these teaching standards and performance-based teacher assessments to State licensing requirements; and

Finally, to create incentives for States to develop policies that would facilitate license reciprocity and portability.

Although this bill would not mandate that model teaching standards be adopted by the states, the trends demonstrate that widespread adoption is likely. For instance, after INTASC developed model teaching standards in 1992, 38 States adopted the standards in developing their own statewide standards. Over 20 States are reviewing the NCTM Curriculum Focal Points to develop mathematics curriculum standards. Over 22 States currently rely on the same standardized teaching credentialing test, and another 10 adopt a second widely available test. The availability of model 21st century teaching standards could have a profound influence on K–12 education nationwide, and this bill would provide incentives for States to adopt and test these standards.

An added benefit of available model teaching standards concerns reciprocal teacher certification across States, which could address teacher shortages and curriculum cohesion across states. Nationally, about 20 percent of teachers seek their initial license in a state other than where they completed their teacher training. This bill would improve the capacity of States to collaboratively address teacher shortages through increased teacher certification reciprocity, by promoting alignment of the teaching standards with State licensing systems.

Finally, the availability of widely used model standards would support a platform for horizontal coherence of teaching and curriculum standards. A State's voluntary use of updated rigorous standards would promote core similarities that offer additional benefits for mobile students who suffer setbacks when faced with inconsistent curriculum.

Student mobility, defined as the percentage of students who transfer in or out of a school during a given school year, occurs in both inner-city and suburban school districts. Rates in inner city schools range from 45 to as high as 80 percent. In suburban schools, mobility rates may be as high as 10 to 40 percent. Although overall mobility indices in the U.S. are not rising, the percentage of moves that occur across state lines has increased from approximately 16 to 19 percent since 2000. When children change schools, they often must adapt to a different curriculum; and lack of curriculum cohesion is believed to account for several negative consequences. Children who experience several school changes are more likely to receive below-grade level reading and math achievement scores than their peers who have never changed schools; they are also more prone to grade retention, and have an increased high school dropout rate.

I believe this legislation can go a long way in improving our Nation's educational achievement rates by improving teacher quality and licensing portability. I also believe that this legislation is critical to strengthening our global competitiveness because quality teaching is a route to helping students meet high standards. I hope that this legislation will be included in the reauthorization of the Elementary and Secondary Education Act of 1965, as amended, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2496

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 ''Enhancing Teaching Standards and License Portability Act of 2007''.

SEC. 2. TEACHING STANDARDS AND LICENSE PORTABILITY.

Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is amended by adding at the end the following:

''Subpart 6—Teaching Standards and License Portability

''SEC. 2371. PURPOSES.

''The purposes of this subpart are the following:

''(1) To support the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

''(2) To create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards.

''(3) To create incentives for States to align the States' teacher licensing systems to such rigorous kindergarten through grade 12 teaching standards.

''(4) To create incentives for States to develop policies to facilitate teacher license portability across States in order to improve the capacity of States to collaboratively address teacher shortages.

''SEC. 2372. DEFINITIONS.

''In this subpart:

''(1) CORE TEACHING STANDARDS.—The term 'core teaching standards' means standards that all beginning teachers should know and be able to teach in order to practice responsibly, regardless of the subject matter or grade level being taught.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an organization representing administrators of State educational agencies in partnership with 1 or more independent professional organizations with expertise in the following areas:

''(A) Teacher preparation and licensure.

''(B) Assessment of teacher knowledge, skills, and competencies.

''(3) 21ST CENTURY LEARNING SKILLS.—The term '21st century learning skills' means the skills, knowledge, and competencies that students should master to succeed in postsecondary education and the workforce of the 21st century, including creativity and innovation skills, critical thinking and problem-solving skills, communication and collaboration skills, information and technology literacy, civic and health literacy, adaptability, social and cross-cultural skills, and leadership skills.

''SEC. 2373. GRANT PROGRAM AUTHORIZED.

''(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to an eligible entity to enable such entity to carry out the following:

''(1) The development or updating of core teaching standards and content-specific kindergarten through grade 12 teaching standards that are rigorous and incorporate 21st century learning skills and recent research and expert knowledge on teaching practices.

''(2) The development of teacher assessments linked to the kindergarten through grade 12 teaching standards that can be used for licensing, are valid and reliable, and are performance-based.

''(3) The awarding of subgrants as described in subsection (b)(2) to State educational agencies.

''(4) The provision of technical assistance to States in the adoption, pilot testing, and implementation of kindergarten through grade 12 teaching standards and teacher assessments as described in paragraph (2).

''(5) The provision of technical assistance to States to facilitate teacher license portability across States through changes in relevant State policies or the creation of new policies for such purpose.

''(b) USES OF FUNDS.—

''(1) DIRECT ACTIVITIES.—

''(A) FIRST AND SECOND YEARS.—An eligible entity that receives a grant under subsection (a) shall use 100 percent of the funds made available through the grant for the first and second fiscal years—

''(i) to develop or update the core teaching standards and content-specific kindergarten through grade 12 teaching standards; and

''(ii) to develop and pilot test teacher performance assessments that can be used to supplement or supplant current State licensing exams.

''(B) THIRD YEAR AND BEYOND.—An eligible entity that receives a grant under subsection (a) shall use not more than 40 percent of the funds made available through the grant for the third fiscal year, not more than 30 percent of the funds made available through the grant for the fourth fiscal year, and not more than 20 percent of the funds made available through the grant for the fifth fiscal year—

''(i) to continue pilot testing and validating the teacher performance assessments;

''(ii) to disseminate the kindergarten through grade 12 teaching standards, assessments, and any other materials that States may need to properly evaluate and adopt such standards, assessments, and materials;

''(iii) to provide technical assistance to States in—

''(I) adopting the kindergarten through grade 12 teaching standards;

''(II) pilot testing the teacher assessments; and

''(III) reliably and accurately administering and interpreting the teacher assessments; and

''(iv) to fund research activities that further the development of kindergarten through grade 12 teaching standards and assessments.

''(2) SUBGRANTS.—An eligible entity that receives a grant under subsection (a) shall use not less than 60 percent of the funds made available through the grant for the third fiscal year, not less than 70 percent of the funds made available through the grant for the fourth fiscal year, and not less than 80 percent of the funds made available through the grant for the fifth fiscal year to award subgrants to State educational agencies to pay the Federal share of the costs of carrying out the following activities in the States:

''(A) To adopt the core teaching standards and content-specific kindergarten through grade 12 teaching standards developed or updated by the eligible entity.

''(B) To align the States' teacher licensing systems to such standards, which may include the pilot testing and use of teacher assessments developed by the eligible entity under paragraph (1)(A)(ii).

''(C) To change relevant policies or introduce new policies to facilitate teacher license portability across the States.

''SEC. 2374. APPLICATIONS.

''(a) GRANT APPLICATION.—

''(1) IN GENERAL.—An eligible entity that desires a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—In an application submitted under paragraph (1), an eligible entity shall include, at a minimum, a description of the capability of the entity to carry out section 2373(b).

''(b) SUBGRANT APPLICATION.—

''(1) IN GENERAL.—A State educational agency that desires a subgrant under this subpart shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require.

''(2) CONTENTS.—In an application submitted under paragraph (1), a State educational agency shall include, at a minimum, a description of how the agency plans to carry out the activities described in subparagraphs (A), (B), and (C) of section 2373(b)(2).

''SEC. 2375. FEDERAL SHARE.

''(a) FEDERAL SHARE.—For State educational agencies receiving a subgrant under section 2371(b)(2), the Federal share of the cost of carrying out the activities described in subparagraphs (A), (B), and (C) of section 2371(b)(2) shall be 50 percent.

''(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated).

''SEC. 2376. REPORTS TO CONGRESS.

''Not later than 2 years after the date funds are first made available to carry out this subpart, and again 2 years thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.

''SEC. 2377. SUPPLEMENT, NOT SUPPLANT.

''Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds available to carry out the [purposes described in section 2371].

''SEC. 2378. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart—

''(1) $4,000,000 for each of fiscal years 2008 and 2009; and

''(2) $10,000,000 for each of fiscal years 2010, 2011, and 2012.''.

OCTOBER 12, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The undersigned organizations would like to thank you for introducing the Enhancing Teaching Standards and License Portability Act of 2007 and express our support for this critical bill. Our education system can only be successful if every child receives instruction from high-quality teachers with the most up-to-date skills and knowledge. The education community has been working diligently to improve teaching in this country, and this act will continue to move these efforts forward. We believe firmly in the goals of this bill:

Supporting development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

Creating incentives for states to: adopt, pilot, and, implement rigorous kindergarten through grade 12 teaching standards; align teacher licensing systems to the rigorous kindergarten through grade 12 teaching standards; and, develop policies to facilitate teacher license portability across states in order to improve the capacity of states to collaboratively address teacher shortages.

We support rigorous and relevant teaching standards that provide high expectations for what our teachers should know and be able to do. These standards and the aligned licensing systems will further assist teacher preparation programs in how to most effectively prepare teachers for today's classrooms and ensure that our students are taught only by high-quality teachers. Also, as we work to address teacher shortages and as our society grows increasingly mobile, there is great need for teacher license portability across states. States have been working on teacher license portability measures, and this bill will further build on these initiatives. Overall, this act will help elevate the teaching profession in this country so every child has access to a world-class education.

Thank you for your leadership on this important issue, and we look forward to continuing to work with you on improving teaching in America.

Sincerely,

American Association of Colleges for Teacher Education.
Council of Chief State School Officers.
International Reading Association.
National Association of Secondary School Principals.
National Commission on Teaching and America's Future.
National Council of Teachers of Mathematics.
National Science Teachers Association.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2498. A bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to authorize the minting of a commemorative coin in recognition of the 400th anniversary of the Spanish arrival in Santa Fe, NM. This bill has the strong support of the entire New Mexico delegation and is co-sponsored by Senator DOMENICI and a companion bill will be introduced in the House by Representative TOM UDALL.

In 2010, the City of Santa Fe will commemorate the arrival of Spanish settlers and the designation of the City of Santa Fe as the capital city of the Spanish territory now known as New Mexico. On their arrival the Spaniards found a thriving Native American culture. These native American and Spanish cultures served to enrich each other and led to a creation of a vibrant social, cultural, and financial center that made the settlement of the western U.S. possible. Although it was not always a smooth road it is the unique combination of the Spanish, native American, and Anglo cultures in Santa Fe that make it an American treasure. Santa Fe has long been heralded for its thriving arts community, as a world class travel destination, and for its natural beauty. These treasures and its proud history as a cultural meeting place make Santa Fe worthy of the national recognition of a commemorative coin. I urge all Senators to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2498

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 ''Santa Fe 400th Anniversary Commemorative Coin Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Santa Fe, New Mexico, the site of native occupation centuries before European incursions, was officially elevated from a plaza established in 1608 to a villa and capital city in 1610. Santa Fe has been the meeting place and home of many cultures.

(2) The Palace of the Governors, built in the early 17th century served as the governor's quarters and the seat of government under 3 flags. It is the oldest continuously used public building in the United States.

(3) La Fiesta de Santa Fe, a cultural, religious, and social celebration, commemorating the resettlement of Santa Fe by General Don Diego de Vargas in 1692 continues today as an attraction for tourists and locals alike.

(4) At the nexus of 3 historically important trails, Santa Fe brought people and goods together over the Santa Fe Trail to and from Missouri, California, and Mexico City.

(5) Commerce on the Santa Fe Trail brought a much needed boost to the economy of the American West during the recession of the early 19th century. Santa Fe was the rendezvous place for traders, mountain men and forty-niners on route to California, and is today home to a multicultural citizenry and world class art market.

(6) The Santa Fe area is a center of market activity for arts and culture year round, culminating in the world renowned Indian Market, Spanish Colonial Art Market, and International Folk Art Market.

(7) New Mexico is the home to the oldest and continuously inhabited indigenous communities in North America. Native communities now residing in New Mexico include—

(A) Acoma Pueblo;

(B) Alamo Navajo Chapter;

(C) Canoncito Navajo Chapter;

(D) Cochiti Pueblo;
(E) Isleta Pueblo;
(F) Jemez Pueblo;
(G) Jicarilla Apache Tribe;
(H) Laguna Pueblo;
(I) Mescalero Apache Tribe;
(J) Nambe Pueblo;
(K) Picuris Pueblo;
(L) Pojoaque Pueblo;
(M) Ramah Navaho Chapter;
(N) San Felipe Pueblo;
(O) San Ildefonso Pueblo;
(P) San Juan Pueblo;
(Q) Sandia Pueblo;
(R) Santa Ana Pueblo;
(S) Santa Clara Pueblo;
(T) Santo Domingo Pueblo;
(U) Taos Pueblo;
(V) Tesuque Pueblo;
(W) Zia Pueblo;
(X) Zuni Pueblo; and
(Y) many others that disappeared or were moved after European contact.

(8) The Pueblo Revolt of 1680 is known to be one of the first ''American Revolutions'' when the Pueblo people ousted Spanish colonists from New Mexico.

(9) The Santa Fe area has long attracted tourists, artists, and writers. The classic novel Ben Hur was written, in part, by then Governor Lew Wallace, in the Palace of the Governors.

(10) A commemorative coin will help to foster an understanding and appreciation of New Mexico, its history and culture and the importance of Santa Fe and New Mexico to the history of the United States and the world.

SEC. 3. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall issue not more than 100,000 $5 coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) $1 SILVER COINS.—The Secretary shall issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(e) SOURCES OF BULLION.—

(1) GOLD.—The Secretary shall obtain gold for minting coins under this Act from domestic sources, and pursuant to the authority of the Secretary under section 5116 of title 31, United States Code.

(2) SILVER.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the settlement of Santa Fe, New Mexico, the oldest capital city in the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2010''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'' (on the face of the coin), ''United States of America'', and ''E Pluribus Unum''.

(b) DESIGN SELECTION.—Subject to subsection (a), the design for the coins minted under this Act shall be selected by the Secretary, and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2010, and ending on December 31, 2010.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (c) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(d) SURCHARGE.—All sales of coins minted under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) RECIPIENTS.—

(1) IN GENERAL.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be promptly paid by the Secretary to the recipients listed under paragraphs (2) and (3).

(2) SANTA FE 400TH ANNIVERSARY COMMITTEE.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Santa Fe 400th Anniversary Committee, Inc., to support programs to promote the understanding of the legacies of Santa Fe.

(3) OTHER RECIPIENTS.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Secretary of the Department of the Interior, for the purposes of—

(A) sustaining the ongoing mission of preserving Santa Fe;

(B) enhancing the national and international educational programs;

(C) improving infrastructure and archaeological research activities; and

(D) conducting other programs to support the commemoration of the 400th anniversary of Santa Fe.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the entities specified in subsection (a), as may be related to the expenditure of amounts distributed under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. CORKER):

S. 2500. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. Presdient, today, Senator HATCH and I are, once again, introducing important intellectual property legislation together. We are introducing the Performance Rights Act of 2007 for a very simple and clear reason: artists should be compensated fairly for the use of their work.

I am an avid music fan. Music entertains, enlightens, and inspires us. Much of the music enjoyed by most Americans, including myself, was first heard on traditional, over-the-air radio. There is no question that radio play promotes artists and their sound recordings; there is also no doubt that radio stations profit directly from playing the artists' recordings.

When radio stations broadcast music, listeners are enjoying the intellectual property of two creative artists the songwriter and the performer. The success, and the artistic quality, of any recorded song depends on both. Radio stations pay songwriters for a license to broadcast the music they have composed. That is proper, and that is fair. The songwriters' work is promoted by the air play, but no one seriously questions that the songwriter should be paid for the use of his or her work.

But the performing artist is not paid by the radio station. The time has come to end this inequity. Its historical justification has been overtaken by technological change; the economics of the radio industry of years past has been superseded by entirely new business models. Webcasters compensate performing artists, satellite radio compensates performing artists, and cable companies compensate performing artists; only terrestrial broadcasters still do not pay for the use of sound recordings. Artists should have the same rights regardless of whether it is a terrestrial broadcaster or a webcaster using and profiting from their work. Radio play may have promotional value to the artist, but there

is a property right in the sound recording, and those that create the content should be compensated for its use.

In ensuring artists are compensated, two other principles important to me are reflected in this legislation. First, noncommercial and small commercial radio stations should be nurtured, and not threatened by a change in the law. Second, songwriters, who now are, as they should be, paid for use of their work should not have their rights diminished in any way.

The legislation we introduce today on a bipartisan basis, along with companion bipartisan legislation being introduced today in the House of Representatives, provides that artists will be compensated by broadcasters for the use of their work. Noncommercial stations—from Vermont Public Radio which broadcasts ''Saturday Afternoon at the Opera,'' to the campus radio station at St. Michael's college that plays ''Those Monday Blues'' and ''The Odds and Evens Jazz Show''—have a different mission than commercial stations, and therefore need a different status, one that will subject the stations only to a nominal flat fee for use of sound recordings. Commercial radio stations that have a revenue under $1.25 million, which comprises roughly three-fourths of all music radio stations, will also have a flat fee option.

Traditional, over-the-air radio remains vital to the vibrancy of our music culture, and I want to continue to see it prosper as it transitions to digital. But I also want to ensure that the performing artist the one whose sound recordings drive the success of broadcast radio is fairly compensated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2500

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 ''Performance Rights Act''.

SEC. 2. EQUITABLE TREATMENT FOR TERRESTRIAL BROADCASTS.

(a) PERFORMANCE RIGHT APPLICABLE TO RADIO TRANSMISSIONS GENERALLY.—Section 106(6) of title 17, United States Code, is amended to read as follows:

''(6) in the case of sound recordings, to perform the copyrighted work publicly by means of an audio transmission.''.

(b) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING PERFORMANCE RIGHT.—Section 114(d)(1) of title 17, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''a digital'' and inserting ''an''; and

(2) by striking subparagraph (A).

(c) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING STATUTORY LICENSE SYSTEM.—Section 114(j)(6) of title 17, United States Code, is amended by striking ''digital''.

(d) ELIMINATING REGULATORY BURDENS FOR TERRESTRIAL BROADCAST STATIONS.—Section 114(d)(2) is amended in the matter preceding subparagraph (A) by striking ''subsection (f) if'' and inserting ''subsection (f) if, other than for a nonsubscription and noninteractive broadcast transmission,''.

SEC. 3. SPECIAL TREATMENT FOR SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS STATIONS AND CERTAIN USES.

(a) SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS RADIO STATIONS.—

(1) IN GENERAL.—Section 114(f)(2) of title 17, United States Code, is amended by adding at the end the following:

''(D) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that has gross revenues in any calendar year of less than $1,250,000 may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of $5,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.

''(E) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that is a public broadcasting entity as defined in section 118(f) may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of $1,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.''.

(2) PAYMENT DATE.—A payment under subparagraph (D) or (E) of section 114(f)(2) of title 17, United States Code, as added by paragraph (1), shall not be due until the due date of the first royalty payments for nonsubscription broadcast transmissions that are determined, after the date of the enactment of this Act, under such section 114(f)(2) by reason of the amendment made by section 2(b)(2) of this Act.

(b) TRANSMISSION OF RELIGIOUS SERVICES; INCIDENTAL USES OF MUSIC.—Section 114(d)(1) of title 17, United States Code, as amended by section 2(b), is further amended by inserting the following before subparagraph (B):

''(A) an eligible nonsubscription transmission of—

''(i) services at a place of worship or other religious assembly; and

''(ii) an incidental use of a musical sound recording;''.

SEC. 4. AVAILABILITY OF PER PROGRAM LICENSE.

Section 114(f)(2)(B) of title 17, United States Code, is amended by inserting after the second sentence the following new sentence: ''Such rates and terms shall include a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings.''.

SEC. 5. NO HARMFUL EFFECTS ON SONGWRITERS.

(a) PRESERVATION OF ROYALTIES ON UNDERLYING WORKS.—Section 114(i) of title 17, United States Code, is amended in the second sentence by striking ''It is the intent of Congress that royalties'' and inserting ''Royalties''.

(b) PUBLIC PERFORMANCE RIGHTS AND ROYALTIES.—Nothing in this Act shall adversely affect in any respect the public performance rights of or royalties payable to songwriters or copyright owners of musical works.

Mr. HATCH. Mr. President, I rise today to express my support for the Performance Rights Act of 2007, S. 2500, introduced today by Judiciary Committee chairman PATRICK LEAHY and myself. There is no doubt the subject of performance rights is important and deserves the Senate's attention.

I recognize that there is no easy solution to the performance rights issue because it is a complex area of the law. However, I believe the time has come for Congress to begin the process of balancing the interests of all involved and forging a fair and reasonable compromise.

I have had the opportunity to get to know some of the finest and talented individuals this country has to offer. Some are under the wrong impression that artists in the music industry are making a fortune, but they are not aware that all too often it is a struggle to survive for the overwhelming majority of them in the cut-throat music industry.

By amending sections 106 and 114 of the Copyright Act, the Performance Rights Act of 2007 would apply the performance right in a sound recording to all audio transmissions thereby removing the exemption on paying performance royalties currently in place for over-the-air broadcasters.

The legislation also provides for a blanket license of $5,000 for small commercial broadcasters whose gross revenues do not exceed $1.25 million a year. In addition, noncommercial broadcasters as defined by section 118 of the Copyright Act, such as public, educational and religious stations would have a blanket license of $1,000 per year. No payment would be due until the Copyright Royalty Board determines the rates for large commercial broadcasters. The proposed language provides that sound recordings used only incidentally by a broadcaster and sound recordings used in the transmission of a religious service are exempt.

S. 2500 further includes a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings. Finally, the legislation strengthens the provision in section 114 that preserves the rights of songwriters and clarifies that nothing in the Performance Rights Act of 2007 shall adversely affect the public performance rights of songwriters or copyright owners of musical works.

I believe in the legislative process and hope that concerns raised by interested parties can be resolved in a fair and equitable manner. I do not have an ax to grind, nor do I want to hurt any industry. To my friends in the broadcasting community, let me say that I am acutely aware of your circumstances and concerns, and I cannot stress enough that my primary goal is to make sure that Congress handles this in the most even-handed way. Let me also stress that I look upon creating a performance right in a sound recording to all audio transmissions as the first step in addressing some of the major issues affecting the music industry. And I look forward to working closely with Chairman LEAHY and my

colleagues in carefully considering what additional measures are needed.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2502. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the States of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to submit legislation that provides for the establishment of a memorial within Kalaupapa National Historical Park, in the State of Hawaii, to honor and perpetuate the memory of those Hansen's disease patients who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969.

This tragedy began in 1865 when the Kingdom of Hawai'i instituted a century-long policy of forced segregation of those afflicted with Hansen's disease, also known as leprosy. Land was set aside in order to seclude those who were thought to be capable of spreading the disease. Kalaupapa was chosen due to its' isolated and inaccessible location. To the south, Kalaupapa faces sheer cliffs with over 2,000 feet in height. To the east, north, and west, Kalaupapa is surrounded by an often-temperamental ocean.

During this period of time, over 8,000 people were sent there, of which, only about 1,300 graves have been identified. Most of those who were sent to Kalaupapa before 1900 have no marked graves. Others were buried in places marked with a cross or a bare tombstone, but those markers have seen great deterioration over time. As a result, there are many family members and descendants of these residents who cannot find the graves of their loved ones and are unable to properly honor and pay tribute to them.

This monument is to provide closure and a sense of belonging to these many family members, who have no knowledge of their ancestors' whereabouts. Through this monument, the more than 8,000 Hansen's disease patients will forever be memorialized as having been a part of the history of Kalaupapa. It also allows the world to recognize and learn from the tragedy that took place on Kalaupapa, where mothers were taken from their children, husbands from their wives, and children from their parents.

There are a few remaining patients of Kalaupapa alive today, and time is running short. For them to live to see this monument, and the memory of their friends and those that preceded them honored in this manner, would mean so much. It will help to guarantee that the legacy of Kalaupapa will live on, and continue to be passed from one generation to the next.

By Ms. CANTWELL:

S. 2505. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, in the wake of the terrorist attacks of September 11, 2001, the air travel industry has suffered tremendous economic hardship. In particular, airline workers have been forced to take cuts in pay and benefits which have dramatically reduced their financial security now and in their retirement years.

Airline pilots and other union airline employees have lost in excess of $30 billion in pay and over $7 billion in defined benefit pension benefits. In addition, many airline workers have lost their jobs. For example, on September 11, 2001, there were 10,500 active Delta pilots. Today, there are 6,700.

Since the attacks, many of our Nation's airlines were forced to file for bankruptcy—and terminate or freeze their defined benefit pension plans. The largest of these airline bankruptcies involved United Airlines, U.S. Airways, Delta Air Lines and Northwest Airlines. In all of these bankruptcies, a huge share of the cost savings was borne by the airline employees, who suffered massive cuts in pay and benefits.

In 2001, Congressional relief focused on the airline carriers, offering loan packages and other economic relief. In 2004 and 2006, Congress provided additional assistance to those airline carriers that were able to avoid termination of their defined benefit plans. However, past Congressional actions will never restore the lost retirement benefits for those airline workers whose defined benefit plans were terminated or frozen.

This is an important point to emphasize. The actions already taken by the Congress to provide economic relief to the airlines and to reduce their future pension contributions for the continuing plans do not restore benefits to those airline workers who lost pension benefits in plans that were terminated or frozen.

Therefore, I rise to introduce the Lost Retirement Savings Act of 2007 to provide for a retirement savings option to those airline workers whose defined benefit plans were terminated or frozen in bankruptcy proceedings.

Under the bill, these airline workers would benefit to the extent that they would individually choose to rollover specified bankruptcy payments into a traditional or Roth individual retirement account. The intent is to provide this retirement savings opportunity only to those airline employees for whom the bankruptcies imposed an economic burden through the substantial loss of wages and retirement benefits.

In closing, I urge my Senate colleagues to take a close look at this bill and join me in passing this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2505

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

SECTION 1. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY TO ELIGIBLE RETIREMENT PLANS.

(a) GENERAL RULE.—If—

(1) a qualified airline employee receives any eligible rollover amount, and

(2) the qualified airline employee transfers any portion of such amount to an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act),

then, except as provided in subsection (b), such amount (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

(b) TRANSFERS TO ROTH IRAS.—

(1) IN GENERAL.—If a transfer described in subsection (a) is made to a Roth IRA (as defined in section 408A of the Internal Revenue Code of 1986), then—

(A) 50 percent of the portion of any eligible rollover amount so transferred shall be includible in gross income in the first taxable year following the taxable year in which the eligible rollover amount was paid, and

(B) 50 percent of such portion shall be includible in gross income in the second taxable year following the taxable year in which the eligible rollover amount was paid.

(2) ELECTION TO INCLUDE IN INCOME IN YEAR OF PAYMENT.—Notwithstanding paragraph (1), a qualified airline employee may elect to include any portion so transferred in gross income in the taxable year in which the eligible rollover amount was paid.

(3) INCOME LIMITATIONS NOT TO APPLY.—The limitations described in section 408A(c)(3) of the Internal Revenue Code of 1986 shall not apply to a transfer to which paragraph (1) or (2) applies.

(c) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS AND TRANSFERS.—

(1) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an eligible rollover amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is not includible in gross income by reason of subsection (a) or is includible in income in a subsequent taxable year by reason of subsection (b).

(2) TREATMENT OF ROLLOVERS.—A transfer under subsection (a) shall be treated as a rollover contribution described in section 408(d)(3) of the Internal Revenue Code of 1986, except that in the case of a transfer to which subsection (b) applies, the transfer shall be treated as a qualified rollover contribution described in section 408A(e) of such Code.

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) ELIGIBLE ROLLOVER AMOUNT.—

(A) IN GENERAL.—The term ''eligible rollover amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in—

(I) a bankruptcy claim against the carrier,

(II) any note of the carrier (or any amount paid in lieu of a note being issued), or

(III) any other fixed obligation of the carrier to pay a lump sum amount.

(B) EXCEPTION.—An eligible rollover amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) REPORTING REQUIREMENTS.—If a commercial passenger airline carrier pays 1 or more eligible rollover amounts, the carrier shall, within 90 days of such payment (or, if later, within 90 days of the date of the enactment of this Act), report—

(A) to the Secretary, the names of the qualified airline employees to whom such amounts were paid, and

(B) to the Secretary and to such employees, the years and the amounts of the payments.

Such reports shall be in such form, and contain such additional information, as the Secretary of the Treasury may prescribe.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to eligible rollover amounts paid before, on, or after such date.

SUMMARY OF THE LOST RETIREMENT SAVINGS ACT OF 2007

ROLLOVER OF DISTRIBUTIONS RECEIVED BY AIRLINE EMPLOYEES IN RESPECT OF BANKRUPTCY CLAIMS, NOTES OR FIXED OBLIGATIONS

If a qualified airline employee transfers any portion of an eligible rollover amount to an individual retirement account (IRA), then the eligible rollover amount to the extent so transferred shall not be includible in gross income for the taxable year in which paid to the qualified airline employee. Further, any such transfer to an IRA which is excluded from gross income shall be treated as a rollover contribution.

DEFINITIONS

Qualified airline employee—An employee or former employee of a commercial passenger airline carrier who participated in a qualified defined benefit plan that has been terminated or frozen.

Eligible rollover amount—Money or other property paid by a commercial passenger airline carrier to a qualified airline employee, in respect of the employee's interest in a bankruptcy claim, note or fixed obligation of the carrier. Such payment must be made under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001 and before January 1, 2007.

EMPLOYMENT TAXES

Eligible rollover amounts shall be subject to all applicable employment taxes.

ROTH ELECTION

A qualified airline employee may elect to transfer any portion of an eligible rollover amount to a Roth IRA. Such transfer may be made without regard to the qualified airline employee's AGI. Any such transfer to a Roth IRA shall be treated as a qualified rollover contribution. To the extent transferred to a Roth IRA, the eligible rollover amount shall, at the election of the qualified airline employee, be includible in gross income entirely in the year of payment or 50 percent in the year succeeding the year of payment and 50% in the second year succeeding the year of payment.

TRANSFER PERIODS

The transfer of an eligible rollover amount must be made within 180 days after the later of date of payment or date of enactment.

REPORTING REQUIREMENTS

Commercial passenger airline carriers shall report to the Secretary of the Treasury the eligible rollover amounts paid to each qualified airline employee for each year, and shall provide an individual report to each qualified airline employee. Such reports shall be due within 90 days after the later of date of payment or date of enactment.

EFFECTIVE DATE

Transfers made after date of enactment.

By Ms. LANDRIEU (for herself and Mr. ISAKSON):

S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I am pleased to introduce today with my colleague, Senator JOHNNY ISAKSON, the Cytology Proficiency Improvement Act of 2007. This bipartisan legislation enhances women's health by establishing an annual continuing medical education, CME, proficiency requirement for pathologists and laboratory professionals who read Pap tests to screen for cervical cancer. The legislation would enhance our fight against this disease by giving women confidence in their Pap test results. Women in my State of Louisiana and across the country deserve no less.

Specifically, our legislation would require individuals who examine Pap test slides to participate annually in an outcome-based CME program to evaluate their interpretative skills. This educational testing program would keep pace with cutting edge advances in science and technology. Health professionals would be challenged with complex, difficult cases and would learn through constructive feedback. The bill would also require that laboratory directors utilize the CME testing results to help assess the performance of their laboratory personnel and take corrective action as appropriate. Finally, the bill would require that the CME results be reviewed by accrediting organizations as part of federally mandated inspections of laboratories to evaluate Pap test quality.

In 1988, Congress requested that a cytology, Pap test, proficiency program be established as part of The Clinical Laboratory Improvement Amendments, CLIA. However, the program lay dormant until 2005 when the Centers for Medicare and Medicaid, CMS, finally implemented a program. Unfortunately, the program was implemented using 1992 regulations—now 15 years old—and no longer relevant to real world practice. The bill we are introducing today would modernize and replace the current program so we can help raise the bar of quality in diagnosing cervical cancer. It would compliment the already extensive Federal quality control standards for Pap tests under CLIA.

Without a doubt, regular Pap tests save women's lives. We need to make sure that the Federal Government's efforts to combat cervical cancer are the most effective they can be. This bill helps to do just that. I hope my colleagues will join me in supporting this women's health issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2510

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 ''Cytology Proficiency Improvement Act of 2007''.

SEC. 2. REVISED STANDARDS FOR QUALITY ASSURANCE IN SCREENING AND EVALUATION OF GYNECOLOGIC CYTOLOGY PREPARATIONS.

(a) IN GENERAL.—Section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)) is amended to read as follows:

''(iv) requirements that each clinical laboratory—

''(I) ensure that all individuals involved in screening and interpreting cytological preparations at the laboratory participate annually in a continuing medical education program in gynecologic cytology that—

''(aa) is approved by the Accrediting Council for Continuing Medical Education or the American Academy of Continuing Medical Education; and

''(bb) provides each individual participating in the program with gynecologic cytological preparations (in the form of referenced glass slides or equivalent technologies) designed to improve the locator, recognition, and interpretive skills of the individual;

''(II) maintain a record of the cytology continuing medical education program results for each individual involved in screening and interpreting cytological preparations at the laboratory;

''(III) provide that the laboratory director shall take into account such results and other performance metrics in reviewing the performance of individuals involved in screening and interpreting cytological preparations at the laboratory and, when necessary, identify needs for remedial training or a corrective action plan to improve skills; and

''(IV) submit the continuing education program results for each individual and, if appropriate, plans for corrective action or remedial training in a timely manner to the laboratory's accrediting organization for purposes of review and on-going monitoring by the accrediting organization, including reviews of the continuing medical education program results during on-site inspections of the laboratory.''.

(b) EFFECTIVE DATE AND IMPLEMENTATION; TERMINATION OF CURRENT PROGRAM OF INDIVIDUAL PROFICIENCY TESTING.—

(1) EFFECTIVE DATE AND IMPLEMENTATION.—Except as provided in paragraph (2), the amendment made by subsection (a) applies to gynecologic cytology services provided on or after the first day of the calendar year beginning 1 year after the date of the enactment of this Act, and the Secretary of Health and Human Services (hereafter in this subsection referred to as the ''Secretary'') shall issue final regulations implementing such amendment not later than 270 days after such date of enactment.

(2) TERMINATION OF CURRENT INDIVIDUAL TESTING PROGRAM.—The Secretary shall terminate the individual proficiency testing program established pursuant to section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)), as in effect on the day before the date of enactment of subsection (a), at the end of the calendar year which includes the date of enactment of the amendment made by subsection (a).

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MILKULSKI, and Ms. LANDRIEU):

S. 2511. A bill to amend the grant program for law enforcement armor vests top provide for a waiver of or reduction in the matching funds requirements in the case of fiscal hardship; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill that will help will build upon our efforts to improve the Bulletproof Vest Partnership Grant Act, which has had so much success in protecting the lives of law enforcement officers across the country. The bill introduced today provides a need-based waiver of matching requirements that will aid State and local law enforcement agencies in financial hardship purchase body armor for their officers. I thank Senators CLINTON, MIKULSKI, SHELBY, and LANDRIEU for joining me to introduce this bill to give our law enforcement officers the protection they need.

I was proud to work with Senator Ben Nighthorse Campbell to author the Bulletproof Vest Partnership Grant Act of 1998, which responded to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border when two state troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. Since its inception in 1999, I have worked to reauthorize this program three times, most recently in the 2005 Violence Against Women and Department of Justice Reauthorization bill.

Since 1999, the BVP program has provided $173 million to purchase an estimated 500,000 vests in more than 11,500 jurisdictions nationwide. Vermont has received more than $600,000 in bulletproof vest funding under this program, which has been used to purchase 2700 vests statewide.

I want to thank Senators MIKULSKI and SHELBY for continuing to recognize this program as a priority. As Chair and Ranking Member of the Appropriations Subcommittee that finalizes Justice Department spending priorities, they saw fit to include more than $25 million for the Bulletproof Vest Program in the fiscal year 2008 Consolidated Omnibus Appropriations bill.

Bulletproof vests remain one of the foremost defenses for our uniformed officers, but law enforcement agencies nationwide are struggling over how to find the funds necessary to replace either aged vests, which have a life expectancy of roughly 5 years, or purchase new vests for newly hired officers. We want to ensure that our law enforcement officers are outfitted with vests that will actually stop bullets and save lives. Vests cost between $500 and $1,000 each, depending on the style. Officers are being forced to dip into their own pockets to pay for new vests due to local and State agency budget shortfalls, and will continue to do so unless the Federal Government offers more help.

The bill we introduce today will give discretion to the Director of the Bureau of Justice Assistance within the Justice Department to grant waivers or reductions in the match requirements for bulletproof vests awards to State and local law enforcement agencies that can demonstrate fiscal hardship. Our local law enforcement agencies are constantly responding to new challenges, from fighting a recent rise in violent crime to responding to threats of terrorism, and many localities lack the resources to effectively combat these challenges. Waiving the match requirement for life-saving body armor should be available for police agencies like those in New Orleans, on the Gulf Coast, or in other areas that experience disasters or other circumstances that create fiscal hardships.

A tragic event in Tennessee in 2005 highlights the need for this legislation. Wayne ''Cotton'' Morgan, a Tennessee correctional officer was gunned down on August 9, 2005, outside the Kingston Court House by the wife of an inmate being escorted by Officer Morgan. He was killed, and the prisoner and his wife escaped. Officer Morgan was not wearing a bulletproof vest, although he repeatedly requested one from the warden at Brushy Mountain Prison. The Tennessee Department of Corrections Administrative Policies and Procedures memorandum required that fitted vests be provided to individuals assigned to transportation duties. Despite this requirement and Officer Morgan's repeated requests, he was not issued a vest due to lack of funding. This legislation will help ensure that no officer is left without a bulletproof vest for lack of resources in his or her department.

Our law enforcement officers deserve the fundamental protection that bulletproof vests can provide. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of the Bulletproof Vests Partnership Program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I look forward to working with the Senate to pass this bipartisan bill to better to protect our law enforcement officers.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2511

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

SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

''(3) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 409—COMMENDING THE SERVICE OF THE HONORABLE TRENT LOTT, A SENATOR FROM THE STATE OF MISSISSIPPI

Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 409

Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to

Chester and Iona Watson Lott on October 9, 1941, in Grenada, Mississippi;

Whereas Trent Lott was raised in Pascagoula, Mississippi, attended public schools, and excelled in baseball, band, theater, and student government;

Whereas after graduating from Pascagoula High School, where he met his future wife during band practice, Trent Lott enrolled in the University of Mississippi in 1959;

Whereas Trent Lott pledged Sigma Nu, rising to become its president; formed a singing quartet known as The Chancellors; and was elected ''head cheerleader'' of the Ole Miss football team;

Whereas upon graduating college, Trent Lott enrolled in the University of Mississippi Law School in 1963, excelling in moot court and as president of the Phi Alpha Delta legal fraternity;

Whereas upon graduating from law school in 1967, Trent Lott practiced law in Pascagoula, then served as administrative assistant to United States Representative William Colmer until 1972;

Whereas upon Congressman Colmer's retirement, Trent Lott was elected to replace him in November 1972 as a Republican representing Mississippi's Fifth District;

Whereas Trent Lott was reelected by the voters of the Fifth District to seven succeeding terms, rising to the position of minority whip and serving in that role with distinction from 1981 to 1989;

Whereas Trent Lott was elected to the U.S. Senate in 1988 and reelected three times, serving as chairman of the Senate Committee on Rules and Administration from 2003 to 2006;

Whereas Trent Lott was chosen by his Senate Republican colleagues to serve as Majority Whip for the 104th Congress, then chosen to lead his party in the Senate as both Majority Leader and Minority Leader from 1996 to 2003;

Whereas Trent Lott was chosen by his peers to serve as Minority Whip for the 110th Congress;

Whereas Trent Lott's warmth, decency, and devotion to the people of Mississippi and the country have contributed to his legendary skill at working cooperatively with people from all political parties and ideologies;

Whereas, in addition to his many legislative achievements in a congressional career spanning more than three decades, Trent Lott has earned the admiration, respect, and affection of his colleagues and of the American People;

Whereas he has drawn strength and support in a life of high achievement and high responsibility from his faith, his beloved wife Tricia, their children, Tyler and Chet; and their grandchildren: Now, therefore, be it

Resolved, That the Senate—

Notes with deep appreciation the retirement of Chester Trent Lott;

Extends its best wishes to Trent Lott and his family;

Honors the integrity and outstanding work Trent Lott has done in service to his country; and

Directs the Secretary of the Senate to transmit a copy of this resolution to the family of Senator Trent Lott.

SENATE RESOLUTION 410—DESIGNATING FEBRUARY 17, 2008, AS ''RACE DAY IN AMERICA'' AND HIGHLIGHTING THE 50TH RUNNING OF THE DAYTONA 500

Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. SANDERS) submitted the following resolution; which was:

S. RES. 410

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (NASCAR) Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the 3rd Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of ''The Great American Race''—the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge on the ''World Center of Racing'' each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas, on February 17th, 2008, the Daytona 500 celebrates its historic 50th running: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th running of the Daytona 500, ''The Great American Race'', on February 17, 2008; and

(2) designates February 17, 2008, as ''Race Day in America'' in honor of the Daytona 500.

SENATE RESOLUTION 411—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF TEXAS CIVIL RIGHTS PIONEER DR. HECTOR P. GARCIA

Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted the following resolution; which was:

S. RES. 411

Whereas, Hector P. Garcia was born on January 17, 1914, in Llera, a small town in south central Tamaulipas, Mexico;

Whereas, Hector P. Garcia was brought to Mercedes, Texas, as a small child when his parents fled the Mexican Revolution in 1917;

Whereas, Dr. Hector P. Garcia graduated from the University of Texas Medical School in 1940, and later joined the United States Army;

Whereas, Dr. Hector P. Garcia served as an infantryman, a combat engineer, and a medical doctor during World War II, and earned the Bronze Star medal with six battle stars for his distinguished service;

Whereas, Dr. Hector P. Garcia founded the American GI Forum in 1948 to fight for equal treatment of Mexican-American veterans, including proper medical treatment and educational benefits;

Whereas, in 1949, Dr. Hector P. Garcia secured a burial with full military honors at Arlington National Cemetery for Pvt. Felix Longoria after a Texas funeral home refused to hold a wake for Pvt. Longoria, a U.S. soldier killed during World War II, for the sole reason that he was Hispanic;

Whereas, President Lyndon Johnson made Dr. Hector P. Garcia the first Mexican-American to serve as an ambassador to the United Nations;

Whereas Dr. Hector P. Garcia was the first Hispanic to serve on the U.S. Commission on Civil Rights;

Whereas, in 1984, President Ronald Reagan bestowed upon Dr. Hector P. Garcia the Presidential Medal of Freedom;

Whereas Dr. Hector P. Garcia devoted his life to fighting for civil rights and educational access for Mexican-Americans;

Whereas this nation has benefited from Dr. Hector P. Garcia's legacy of generosity and commitment to equality: Now, therefore, be it

Resolved, That the Senate honors the life of Dr. Hector P. Garcia, a selfless physician, decorated World War II veteran, dedicated family man, and civil rights hero, and joins in the celebration of his birthday, January 17.

SENATE RESOLUTION 412—COMMENDING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA, FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION 1 FOOTBALL CHAMPIONSHIP SUBDIVISION (FORMERLY DIVISION 1–AA) CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution; which was:

S. RES. 412

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win a National Collegiate Athletic Association (NCAA) football championship with its victory over the University of Northern Iowa;

Whereas, in 2006, Appalachian State University defeated the University of Massachusetts football team to win its 2nd straight championship;

Whereas, in December 2007, the Appalachian State University Mountaineers won their 3rd straight NCAA Division 1 national title by winning the Division 1 Football Championship Subdivision (formerly known as the Division 1-AA Championship), the first Football Championship Subdivision team in history to accomplish this feat, beating the University of Delaware (Delaware) Blue Hens by a score of 49-21;

Whereas, in the 2007 championship game, senior tailback Kevin Richardson opened the scoring with a 19-yard touchdown reception on a screen pass from Armanti Edwards;

Whereas Delaware responded by driving the ball to the Appalachian State 1-foot line, where the Mountaineers stonewalled the Blue Hens with an impressive defensive stand;

Whereas, on the ensuing possession, sophomore Devon Moore extended the lead to 14-0 in a touchdown run that capped a 5-play, 99-yard drive to set an Appalachian State school record for longest scoring drive;

Whereas Appalachian State extended the lead to 21-0 with 10:22 remaining in the 2nd quarter as freshman tight end Daniel Kilgore recovered a fumble in the endzone for the touchdown as the Mountaineers scored on their 1st 3 drives of the game;

Whereas Delaware broke into the scoring column with only 1:10 remaining in the 1st half, in a play that was originally ruled incomplete, but upon official review was ruled a touchdown to cut the Appalachian State lead to 21-7;

Whereas Appalachian State answered the score 26 seconds later as Armanti Edwards

threw a 60-yard touchdown pass to senior Dexter Jackson, in his 4th touchdown pass this season to Dexter Jackson for more than 59 yards;

Whereas Appalachian State opened scoring in the 3rd quarter to extend their lead to 35-7;

Whereas Delaware countered to cut the Appalachian State lead to 35-14;

Whereas Kevin Richardson then ran the lead to 42-14 with a 6-yard touchdown for his 2nd score of the game, in which he posted a total of 111 yards rushing and 27 yards receiving with touchdowns both on the ground and by air;

Whereas Kevin Richardson is Appalachian State's all-time leading rusher, closing his college career with 4,797 yards on the ground;

Whereas sophomore quarterback Armanti Edwards had 198 yards passing, 89 yards rushing and 3 passing touchdowns, and finishes the season with 1,948 yards passing and 1,587 yards rushing, falling just short of becoming the 1st player in NCAA history to pass for 2,000 yards and rush for 1,000 yards twice in his career;

Whereas Corey Lynch finishes his career with 52 pass breakups, capturing the NCAA Division I record for career passes defended;

Whereas the team's championship victory finished off a remarkable season for the Mountaineers, who, on September 1, 2007, in their 1st game of the 2007 season, beat the University of Michigan Wolverines, ranked 5th nationally at the time, by a score of 34-32 in front of 109,000 spectators at ''The Big House'' in Ann Arbor, Michigan, marking the 1st time a Division 1-AA team has ever beaten a nationally ranked Division 1-A team;

Whereas the Mountaineers finished off this impressive 2007 season with a 13-2 record;

Whereas the Appalachian State Mountaineers 2007 All-Americans include Kerry Brown, Corey Lynch, Kevin Richardson, Armanti Edwards, Gary Tharrington, and Jerome Touchstone; and

Whereas the Mountaineers enjoy widespread support from their spirited and dedicated fans as well as the entire Appalachian State University community: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Appalachian State University Mountaineers football team for its historic season and National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

(2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(B) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

SENATE RESOLUTION 413—COMMENDING THE WAKE FOREST UNIVERSITY DEMON DEACONS OF WINSTON-SALEM, NORTH CAROLINA, FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S SOCCER NATIONAL CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution; which was:

S. RES. 413

Whereas the Wake Forest Demon Deacons beat the Ohio State Buckeyes 2-1 to win the finals of the 2007 College Cup;

Whereas, in the 11th minute, Demon Deacon goalkeeper Brian Edwards blocked a close-range shot and defender Lyle Adams cleared the net to prevent the Buckeyes from attempting to score on the rebound;

Whereas Brian Edwards was named the Most Outstanding Defensive Player at the College Cup after making 12 saves in the NCAA Championships and allowing only two goals in five postseason games;

Whereas, in the very next possession, Ohio State's Roger Espinoza scored in the 13th minute;

Whereas Marcus Tracy had the tying goal in the 66th minute, his third of the 2007 College Cup, finishing a run from sophomore Cody Arnoux;

Whereas Zack Schilawski scored the game-winning goal in the 74th minute by taking a cross from Marcus Tracy and firing the center shot from 10 yards out;

Whereas for seniors Julian Valentin, Pat Phelan, Brian Edwards, and Alimer Gonzales, the game marked the end of their college careers;

Whereas Marcus Tracy was named the Most Outstanding Offensive Player at the College Cup after scoring both goals in the 2-0 semifinal win over Virginia Tech, scoring the game-tying goal in the finals against Ohio State, and assisting on the game-winning goal by Zack Schilawski;

Whereas Sam Cronin, Zach Schilawski, and Cody Arnoux were all named to the College Cup All-Tournament Team;

Whereas Wake Forest was represented on the National Soccer Coaches Association of America (NSCAA)/Adidas All-America team by defender Pat Phelan (first team), midfielder Sam Cronin (second team) and forward Cody Arnoux (third team), and was the only school to have a representative on the first, second, and third All-America teams;

Whereas defender Julian Valentin was named to the All-Senior All-America team sponsored by Lowe's;

Whereas Wake Forest's run to the national championship included a second round win over Furman (1-0), a third round win over West Virginia (3-1), a quarterfinal round win over Notre Dame (1-0), and a semifinal round win over Virginia Tech (2-0);

Whereas Wake Forest finished with a 22-2-2 record on the season;

Whereas Wake Forest was the number two seed in the tournament and making its second consecutive College Cup appearance;

Whereas the Demon Deacons have been to 12 NCAA Tournaments including seven straight;

Whereas Wake Forest was ranked first or second in the major soccer polls for the vast majority of the 2007 regular season;

Whereas the NCAA title is the eighth national championship for Wake Forest athletics; and

Whereas the university also holds three titles in field hockey (2002, 2003, 2004), three titles in men's golf (1974, 1975, 1986) and a title in baseball (1955): Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Wake Forest University Demon Deacons men's soccer team for its historic season and championship title;

(2) recognizes the hard work and preparation of the players, head coach Jay Vidovich, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Nathan O. Hatch, President of Wake Forest University;

(B) Ron Wellman, Director of Athletics at the University; and

(C) Jay Vidovich, Head Coach.

SENATE RESOLUTION 414—DESIGNATING JANUARY 2008 AS ''NATIONAL STALKING AWARENESS MONTH''

Mr. BIDEN (for himself and Ms. COLLINS) submitted the following resolution:

S. RES. 414

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that partner;

Whereas 74.2 percent of stalking victims report that being stalked interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent of stalking victims never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cybersurveillance the new frontier in stalking;

Whereas national organizations, local victim service organizations, prosecutors' offices, and police departments stand ready to assist stalking victims and work diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as ''National Stalking Awareness Month'';

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through observation of National Stalking Awareness Month.

SENATE RESOLUTION 415—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF WILLIAM KARNET ''BILL'' WILLIS, PIONEER AND HALL OF FAME FOOTBALL PLAYER FOR BOTH OHIO STATE UNIVERSITY AND THE CLEVELAND BROWNS

Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, Mr. COCHRAN, Mrs. BOXER, Ms. STABENOW, Mr. LEVIN, Mr. MENENDEZ, Mr. STEVENS, Mr. ENZI, Mr. ROBERTS, Mr. SCHUMER, and Mr. LAUTENBERG) submitted the following resolution:

S. RES. 415

Whereas William Karnet Willis (''Bill'') was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University's Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944, becoming the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1944 and in 1945;

Whereas, on August 7, 1946, Bill Willis was the first of a pioneering foursome to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-America Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the first 3 Pro Bowls;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team's Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation's College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired on November 3, 2007;

Whereas Bill Willis dedicated his life to helping others and served his community honorably on the Ohio Youth Commission;

Whereas Bill Willis was a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of William Karnet ''Bill'' Willis, a dedicated family man, civil servant, and football legend; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the family of Bill Willis.

SENATE RESOLUTION 416—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. NELSON of Nebraska (for himself, Mr. BINGAMAN, Mr. BROWNBACK, Ms. COLLINS, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. GRAHAM, Mrs. LINCOLN, Mr. SALAZAR, Mr. TESTER, Mr. ROBERTS, and Mr. ALLARD) submitted the following resolution; which was:

S. RES. 416

Whereas President Harry S Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for ''all matters pertaining to military ballooning, air machines, and all kindred subjects'';

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William ''Billy'' Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry ''Hap'' Arnold, James ''Jimmy'' H. Doolittle, and Edward ''Eddie'' Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. ''Hap'' Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James ''Jimmy'' H. Doolittle led 16 North American B–25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S Truman supported organizing air power as an equal arm of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles ''Chuck'' Yeager piloted the X–1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B–58 Hustler and B–36 Peacemaker, and the Boeing B–47 Stratojet and B–52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the

United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in the Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate, That the Senate remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

SENATE CONCURRENT RESOLUTION 59—EXPRESSING THE SENSE OF THE CONGRESS THAT JOINT CUSTODY LAWS FOR FIT PARENTS SHOULD BE PASSED BY EACH STATE, SO THAT MORE CHILDREN ARE RAISED WITH THE BENEFITS OF HAVING A FATHER AND A MOTHER IN THEIR LIVES

Mr. AKAKA submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 59

Whereas, in approximately 84 percent of the cases where a parent is absent, that parent is the father;

Whereas, if current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18 years old;

Whereas when families (whether intact or with a parent absent) are living in poverty, a significant factor is often the father's lack of job skills;

Whereas committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills;

Whereas an estimated 19,400,000 children (27 percent) live apart from their biological fathers;

Whereas 40 percent of the children under age 18 not living with their biological fathers had not seen their fathers even once in the past 12 months, according to national survey data;

Whereas single parents are to be commended for the tremendous job that they do with their children;

Whereas the United States needs to encourage responsible parenting by both fathers and mothers, whenever possible;

Whereas the United States needs to encourage both parents, as well as extended families, to be actively involved in children's lives;

Whereas a way to encourage active involvement is to encourage joint custody and shared parenting;

Whereas the American Bar Association found in 1997 that 19 States plus the District of Columbia had some form of presumption for joint custody, either legal, physical, or both, and by 2006, 13 additional States had added some form of presumption, bringing the current total to 32 States plus the District of Columbia;

Whereas data from the Census Bureau shows a correlation between joint custody and shared parenting and a higher rate of payment of child support;

Whereas social science literature shows that a higher proportion of children from intact families with 2 parents in the home are well adjusted, and research also shows that for children of divorced, separated, and never married parents, joint custody is strongly associated with positive outcomes for children on important measures of adjustment and well being; and

Whereas research by the Department of Health and Human Services shows that the States with the highest amount of joint custody subsequently had the lowest divorce rate: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives.

Mr. AKAKA. Mr. President, I rise today to submit legislation expressing the sense of the Congress that States should enact joint custody laws for fit parents, so that more children are raised with the benefit of having both parents in their lives.

One of the most significant problems facing our Nation today is the number of children being raised without the love and support of both parents. Even if it is not possible for the parents to remain in a committed partnership, it is important that, when possible, each parent, as well as their extended families, have every opportunity to play an active role in their children's life. A number of recent studies have suggested that children greatly benefit from joint custody or shared parenting arrangements. In my own home State of Hawaii, it is a way of life to have our keiki, or children, raised and nurtured by the extended family, and we have seen how our children flourish when the responsibility of child rearing is shared.

This Nation's children are our most vital resource, and every effort should be made to ensure that they receive the guidance and encouragement they need to thrive. I urge States to pass joint custody laws for fit parents so all children can be raised within the extended embrace of both parents and their families.

SENATE CONCURRENT RESOLUTION 60—EXPRESSING THE SENSE OF CONGRESS RELATING TO NEGOTIATING A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND TAIWAN

Mr. BAUCUS (for himself and Mr. KYL) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 60

Whereas for more than 50 years a close bilateral relationship has existed between the United States and Taiwan as evidenced by the Taiwan Relations Act;

Whereas on January 1, 2002, Taiwan was admitted to the World Trade Organization, which has resulted in a reduction in duties for foreign goods and an increase in market access for foreign investment;

Whereas a 2002 United States International Trade Commission report found that exports by some sectors of the United States economy would increase significantly if the United States entered into a free trade agreement with Taiwan;

Whereas bilateral trade between Taiwan and the United States was $57,000,000,000 in 2005 and $61,000,000,000 in 2006;

Whereas Taiwan ranks as the 9th largest trading partner of the United States and the 11th largest export market for United States goods;

Whereas Taiwan is the 6th largest market for United States agricultural products, the 3rd largest buyer of United States corn, the 4th largest buyer of United States soybeans, the 5th largest buyer of United States beef, and the 6th largest buyer of United States wheat;

Whereas the United States is an important supplier of electrical machinery and appliances, aircraft, scientific instruments, and chemical products to Taiwan;

Whereas increasing exports to large and commercially significant economies in Asia is a critical part of reducing the United States trade deficit;

Whereas Taiwan, as a democracy and free market economy, shares with the United States principles and values that provide a strong foundation for open, fair, and mutually beneficial trade relations; and

Whereas maintaining and strengthening a robust trade relationship with Taiwan is of economic significance to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States should increase trade opportunities with Taiwan and

should launch negotiations for a free trade agreement with Taiwan.

SENATE CONCURRENT RESOLUTION 61—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 62—TO CORRECT THE ENROLLMENT OF H.R. 660

Mr. LEAHY (for himself, Mr. SPECTER, and Mr. KYL) submitted the following concurrent resolution; which was:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

''SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

''(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

''(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

''(1) Magistrate judges appointed under section 631 of title 28, United States Code.

''(2) Magistrate judges retired under section 377 of title 28, United States Code.

''(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3870. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3871. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3872. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3873. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. GRAHAM, Mr. GREGG, Mr. LEAHY, Mr. SUNUNU, Mr. BARRASSO, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3874. Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) proposed an amendment to the bill H.R. 2764, supra.

SA 3875. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. BROWN, and Mrs. CLINTON) proposed an amendment to amendment SA 3874 proposed by Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, supra.

SA 3876. Mr. LEVIN (for himself, Mr. REED, Mr. VOINOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REID, and Mr. SALAZAR) proposed an amendment to amendment SA 3874 proposed by MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, supra.

SA 3877. Mr. REID proposed an amendment to the bill H.R. 2764, supra.

SA 3878. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. DODD, Mr. GREGG, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3879. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3880. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

SA 3881. Mr. PRYOR (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 53, condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

SA 3882. Mr. PRYOR (for Mr. FEINGOLD) proposed an amendment to the bill S. 2135, to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

SA 3883. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

TEXT OF AMENDMENTS

SA 3870. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In division C, strike section 134.

SA 3871. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 806, line 16, strike ''$666,087,000'' and insert ''$751,087,000''.

On page 806, line 20, strike ''$103,921,000'' and insert ''$188,921,000''.

On page 822, between lines 18 and 19, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $85,000,000.

SA 3872. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In the mater under the heading ''NUCLEAR ENERGY'' of title III of division C, strike '': *Provided*, That $233,849,000 is authorized to be appropriated for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143''.

In the mater under the heading ''NATIONAL NUCLEAR SECURITY ADMINISTRATION'' of title III of division C, before the period at the end, insert the following: '': *Provided further*, That $233,849,000 is authorized to be appropriated for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143''.

SA 3873. Mr. WARNER (for himself and Ms. MIKULSKI, Mr. GRAHAM, Mr. GREGG, Mr. LEAHY, Mr. SUNUNU, Mr. BARRASSO, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL AND SEASONAL BUSINESSES.

(a) SHORT TITLE.—This section may be cited as the ''Save our Small and Seasonal Businesses Act of 2007''.

(b) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended, by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 1-year period beginning on October 1, 2007.

SA 3874. Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) proposed an amendment to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike Division L and insert the following:

DIVISION L—SUPPLEMENTAL APPROPRIATIONS, DEFENSE

TITLE I—MILITARY PERSONNEL

MILIARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $782,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $95,624,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $56,050,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $138,037,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $35,152,370,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,664,000,000: *Provided*, That up to $110,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,965,638,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $4,778,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,116,950,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $77,736,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $41,657,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $46,153,000.

OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,133,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $327,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $51,634,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $3,747,327,000, to remain available for transfer until September 30, 2009, only to support operations in Iraq or Afghanistan: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,350,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation–Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition

Command–Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $4,269,000,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

TITLE III—PROCUREMENT

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $943,600,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,429,445,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $154,000,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,027,800,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $48,500,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $91,481,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $703,250,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $51,400,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $30,725,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $274,743,000, to remain available for obligation until September 30, 2010.

TITLE IV—REVOLVING AND MANAGEMENT FUNDS

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount of ''Defense Working Capital Funds'', $1,000,000,000, to remain available for obligation until September 30, 2010.

TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $575,701,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $192,601,000.

TITLE VI—GENERAL PROVISIONS

GENERAL PROVISIONS

SEC. 601. Appropriations provided in this division are available for obligation until September 30, 2008, unless otherwise so provided in this division.

SEC. 602. Notwithstanding any other provision of law or of this division, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(TRANSFER OF FUNDS)

SEC. 603. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this division: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 604. Funds appropriated in this division, or made available by the transfer of funds in or pursuant to this division, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 605. None of the funds provided in this division may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 606. (a) AVAILABILITY OF FUNDS FOR CERP.—From funds made available in this division to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2008), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 607. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law,

to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 608. During fiscal year 2008, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this division may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 609. (a) REPORTS ON PROGRESS TOWARD STABILITY IN IRAQ.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2008, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) SCOPE OF REPORTS.—Each report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) SPECIFIC ELEMENTS.—In specific, each report shall require, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

SEC. 610. Each amount appropriated or otherwise made available in this division is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 611. None of the funds appropriated or otherwise made available by this division may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 612. No funds appropriated or otherwise made available by this division may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 613. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: *Provided*, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: *Provided further*, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States.

SEC. 614. In this division, the term ''congressional defense committees'' means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 615. This division may be cited as the ''Emergency Supplemental Appropriations Act for Defense, 2008''.

SA 3875. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. BROWN, and Mrs. CLINTON) proposed an amendment to amendment SA 3874 proposed by Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPT FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3876. Mr. LEVIN (for himself, Mr. REED, Mr. VOINOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REID, and Mr. SALAZAR, proposed an amendment to amendment

SA 3874 proposed by Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.____. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to the more limited set of missions laid out by the President in his September 13, 2007, address to the Nation, that is, to counterterrorism operations and training, equipping, and supporting Iraqi forces, in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

SA 3877. Mr. REID proposed an amendment to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the amendment add the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''AMT Relief Act of 2007''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 102. Extension of increased alternative minimum tax exemption amount.

Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

Sec. 104. Refundable child credit.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

Sec. 201. Nonqualified deferred compensation from certain tax indifferent parties.

Subtitle B—Codification of Economic Substance Doctrine

Sec. 211. Codification of economic substance doctrine.

Sec. 212. Penalties for underpayments.

Subtitle C—Other Provisions

Sec. 221. Delay in application of worldwide allocation of interest.

Sec. 222. Modification of penalty for failure to file partnership returns.

Sec. 223. Penalty for failure to file S corporation returns.

Sec. 224. Increase in minimum penalty on failure to file a return of tax.

Sec. 225. Time for payment of corporate estimated taxes.

TITLE I—INDIVIDUAL TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking ''or 2006'' and inserting ''2006, or 2007'', and

(2) by striking ''2006'' in the heading thereof and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($62,550 in the case of taxable years beginning in 2006)'' in subparagraph (A) and inserting ''($66,250 in the case of taxable years beginning in 2007)'', and

(2) by striking ''($42,500 in the case of taxable years beginning in 2006)'' in subparagraph (B) and inserting ''($44,350 in the case of taxable years beginning in 2007)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year.''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2007 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. No credit shall be allowed under this section with respect to any amount abated under this paragraph.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—Any interest or penalty paid before the date of the enactment of this subsection which would (but for such payment) have been abated under paragraph (1) shall be treated for purposes of this section as an amount of adjusted net minimum tax imposed for the taxable year of the underpayment to which such interest or penalty relates.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

SEC. 104. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting ''($8,500 in the case of taxable years beginning in 2008)'' after ''$10,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

SEC. 201. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be taken into account for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) ASCERTAINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not ascertainable at the time that such compensation is otherwise to be taken into account under subsection (a)—

''(A) such amount shall be so taken into account when ascertainable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is taken into account under subparagraph (A) shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE FOR SHORT-TERM DEFERRALS OF COMPENSATION.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

Such term shall not include any tax unless such tax includes rules for the deductibility of deferred compensation which are similar to the rules of this title.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION FOR SHORT-TERM DEFERRALS.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (S), by striking the period at the end of subparagraph (T) and inserting '', and'', and by adding at the end the following new subparagraph:

''(U) section 457A(c)(1)(B) (relating to ascertainability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2007.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2008, to the extent such amount is not includible in gross income in a taxable year beginning before 2017, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2017, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2007, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2007, the guidance issued under paragraph (3) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (3) or (4) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

Subtitle B—Codification of Economic Substance Doctrine

SEC. 211. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

''(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

''(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

''(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

''(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (A).

''(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

''(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if such transaction results in a Federal income tax benefit.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 212. PENALTIES FOR UNDERPAYMENTS.

(a) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(p)) or failing to meet the requirements of any similar rule of law.''.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by

adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

''(1) IN GENERAL.—To the extent that a portion of the underpayment to which this section applies is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

''(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking ''section 6662(h)'' and inserting ''subsection (h) or (i) of section 6662'', and

(B) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(b) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Subsection (c) of section 6664 is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by striking ''paragraph (2)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)'', and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION FOR NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Paragraph (1) shall not apply—

''(A) to any portion of an underpayment which is attributable to one or more tax shelters (as defined in section 6662(d)(2)(C)) or transactions described in section 6662(b)(6), and

''(B) to any taxpayer if such taxpayer is a specified large corporation (as defined in section 6662(d)(2)(D)(ii)).''.

(c) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

''(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.''.

(d) SPECIAL UNDERSTATEMENT REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2) of section 6662(d) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

''(i) IN GENERAL.—In the case of any specified large corporation—

''(I) subparagraph (B) shall not apply, and

''(II) the amount of the understatement under subparagraph (A) shall be reduced by that portion of the understatement which is attributable to any item with respect to which the taxpayer has a reasonable belief that the tax treatment of such item by the taxpayer is more likely than not the proper tax treatment of such item.

''(ii) SPECIFIED LARGE CORPORATION.—

''(I) IN GENERAL.—For purposes of this subparagraph, the term 'specified large corporation' means any corporation with gross receipts in excess of $100,000,000 for the taxable year involved.

''(II) AGGREGATION RULE.—All persons treated as a single employer under section 52(a) shall be treated as one person for purposes of subclause (I).''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6662(d)(2) is amended by striking ''Subparagraph (B)'' and inserting ''Subparagraphs (B) and (D)(i)(II)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle C—Other Provisions

SEC. 221. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 222. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) EXTENSION OF TIME LIMITATION.—Subsection (a) of section 6698 (relating to general rule) is amended by striking ''5 months'' and inserting ''12 months''.

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) is amended by striking ''$50'' and inserting ''$100''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 223. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

''SEC. 6699A. FAILURE TO FILE S CORPORATION RETURN.

''(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—

''(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

''(2) files a return which fails to show the information required under section 6037,

such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

''(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

''(1) $100, multiplied by

''(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.

''(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

''(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

''Sec. 6699A. Failure to file S corporation return.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 224. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking ''$100'' in the last sentence and inserting ''$150''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 225. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 52.5 percentage points.

SA 3878. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. DODD, Mr. GREGG, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, beginning in line 23, strike ''fishery.'' and insert ''fishery: *Provided further*, That, of the funds provided, not less than $15,000,000 in the aggregate is provided to Connecticut, Maine, New Hampshire, and Rhode Island for the alleviation of economic impacts associated with Amendment 13 and subsequent Framework adjustments, including Framework 42.''.

SA 3879. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the ''National Capital Transportation Amendments Act of 2007''.

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and

ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

''AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

''SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

''(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

''(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

''(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

''(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

''(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

''(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

''(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

''(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

''(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

''(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

''(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

''(1) shall remain available until expended; and

''(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

''(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

''(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

''(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

''(B) Not later than 4 years after such date, throughout the rail system.

''(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

''(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

''(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

''(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.''.

(c) WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.—

(1) ESTABLISHMENT OF OFFICE.—

(A) IN GENERAL.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the ''Transit Authority'') shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the ''Office''), headed by the Inspector General of the Transit Authority (referred to in this subsection as the ''Inspector General'').

(B) DEFINITION.—In subparagraph (A), the ''Washington Metropolitan Area Transit Authority'' means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774).

(2) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DUTIES.—

(A) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) REPORTS.—

(i) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on

Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(i) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) POWERS.—

(A) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) STAFF.—

(i) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

SA 3880. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom and Chosun (Korea) and the United States; as follows:

On page 4, strike lines 4 through 10 and insert the following:

''(2) the economic relationship, highlighting the vibrancy and diversity of the common interests of the United States and the Republic of Korea, should be broadened and deepened;''.

On page 5, lines 4 and 5, strike ''and support for peacekeeping'' and insert '', support for peacekeeping, and protection of the environment''.

SA 3881. Mr. PRYOR (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 53, condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; as follows:

Strike ''on July 25, 2003'' and all that follows in the eighth whereas clause of the preamble and insert ''in a videotape seized by the Government of Colombia and aired on November 30, 2007;''.

SA 3882. Mr. PRYOR (for Mr. FEINGOLD) proposed an amendment to the bill S. 2135, to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; as follows:

On page 4, line 7, insert after ''state-sponsored'' the following: '', excluding any group assembled solely for non-violent political association''.

SA 3883. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom and Chosun (Korea) and the United States; as follows:

On page 3, strike ''Whereas the Free Trade Agreement'' and all that follows through ''both countries;''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 18, 2007, at 10 a.m. in open session to consider the following nominations: Mary Beth Long to be Assistant Secretary of Defense for International Security Affairs; James Shinn to be Assistant Secretary of Defense for Asian and Pacific Security Affairs; Craig W. Duehring to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs; and John H. Gibson to be Assistant Secretary of the Air Force for Financial Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 11 a.m., in room 253 of the Russell Senate Office Building, for the purpose of conducting a hearing.

The Committee will be hearing from the following nominees: Francis Mulvey, Reappointment to be a Member of the Surface Transportation Board (PN 1084); Denver Stutler, Jr., to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1047); Nancy A. Naples, to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1046); Thomas C. Carper, to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1045); and Carl T. Johnson, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation (PN 1011).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, Transportation be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building, for the purpose of conducting a hearing.

In light of the recent spill in San Francisco Bay, this hearing will examine the oil spill threats, risks, and vulnerabilities posed by large nontank vessels. Topics will include the prevalence and environmental impact of nontank vessel spills, the adequacy and enforcement of vessel response plans, the status of Coast Guard rulemakings, the adequacy of nontank liability limits, and the allocation of Coast Guard and other Federal resources toward oil spill prevention, preparedness, and oil spill research and development in a post–9/11 world.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, December 18, 2008, at 10:30 a.m., In room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the nomination of Jon Wellinghoff, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013. (Reappointment).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, in room S–216 of the Capitol at a time to be determined in order to hold a business meeting to consider the following items: pending General Services Administration Resolutions; S. 862, a bill to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building,'' S. 1189, a bill to designate the Federal building and U.S. Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''; and H.R. 735, a bill to designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''. Pending nominations: Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission; Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 3:30 p.m. in order to consider the nomination of Steven H. Murdock to be Director, U.S. Census Bureau, U.S. Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''Executive Branch Nominations'' on Tuesday, December 18, 2007 at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness List

Ondray T. Harris, to be Director, Community Relations Service, Department of Justice; David W. Hagy, to be Director of the National Institute of Justice, Department of Justice; Scott M. Burns, to be Deputy Director of National Drug Control Policy, Executive Office of the President; Cynthia Dyer, to be Director of the Violence Against Women Office, Department of Justice; and Nathan J. Hochman, to be an Assistant Attorney General, Tax Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Louis Bervid, be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENTS IN TRIBUTE TO SENATOR LOTT

Mr. PRYOR. Mr. President, I ask unanimous consent that the tributes to Senator LOTT in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion in the RECORD until January 30, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

125TH ANNIVERSARY OF THE 1882 TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations committee be discharged from further consideration of S. Res. 279 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 279) expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble,

as amended, be agreed to, that the motions to reconsider be laid upon the table, en bloc, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3880) was agreed to as follows:

(Purpose: To strike a reference to the 2007 Free Trade Agreement and to add environmental protection to the list of bilateral goals that should be addressed by the United States and the Republic of Korea)

On page 4, strike lines 4 through 10 and insert the following:

''(2) the economic relationship, highlighting the vibrancy and diversity of the common interests of the United States and the Republic of Korea, should be broadened and deepened;''.

On page 5, lines 4 and 5, strike ''and support for peacekeeping'' and insert '', support for peacekeeping, and protection of the environment''.

The resolution (S. Res. 279), as amended, was agreed to.

The amendment (No. 3883) was agreed to, as follows:

On page 3, strike ''Whereas the Free Trade Agreement'' and all that follows through ''both countries;''.

The preamble, as amended, was agreed to.

The resolution (S. Res. 279), as amended, with its preamble, as amended, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

CONDEMNING THE KIDNAPPING OF THREE UNITED STATES CITIZENS BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 53 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. I ask unanimous consent that the concurrent resolution be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table en bloc; and any statements relating thereto be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 53) was agreed to.

The amendment (No. 3881) was agreed to, as follows:

Strike ''on July 25, 2003'' and all that follows in the eighth whereas clause of the preamble and insert ''in a videotape seized by the Government of Colombia and aired on November 30, 2007;''.

The premable, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 53

Whereas the Revolutionary Armed Forces of Colombia (FARC) is designated as a foreign terrorist organization by the Department of State;

Whereas the FARC utilizes kidnappings for ransom, extortion, and the drug trade to finance its activities;

Whereas the FARC has consistently committed atrocities against citizens of both Colombia and the United States, kidnapped at least 36 United States citizens since 1980, and killed 10 United States citizens;

Whereas an aircraft carrying United States citizens crashed over territory controlled by the FARC on February 13, 2003;

Whereas Keith Stansell, Thomas Howes, and Marc Gonsalves, 3 United States citizens on the aircraft, were taken hostage by the FARC on February 13, 2003;

Whereas the FARC murdered Tom Janis, another United States citizen on the downed aircraft;

Whereas 3 United States citizens on a subsequent search mission also lost their lives;

Whereas the 3 hostages were last shown alive in a videotape seized by the Government of Colombia and aired on November 30, 2007;

Whereas a police officer from Colombia who escaped from the FARC in April 2007 claims he saw the 3 United States hostages alive in April 2007;

Whereas at least 50 FARC leaders have been indicted in the United States for drug trafficking; and

Whereas Ricardo Palmera, the most senior FARC leader to be tried in the United States, was convicted of conspiring to take the United States citizens hostage in Colombia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the kidnappings of Keith Stansell, Thomas Howes, and Marc Gonsalves by the Revolutionary Armed Forces of Colombia (FARC) and calls for their immediate and unconditional release;

(2) condemns the FARC for holding these hostages for more than 4 years and demands to know their health and status;

(3) condemns the FARC for the murder of Tom Janis;

(4) condemns the FARC for its use of kidnapping for ransom, extortion, and drug trafficking and for supporting and spreading terror within Colombia;

(5) expresses sympathy to the relatives of the hostages who have been unsure of the fates of their family members for more than 4 years;

(6) reconfirms that the United States Government does not make concessions to terrorists; and

(7) reiterates that the United States Government supports efforts to secure the safe return of the hostages to the United States.

UNANIMOUS CONSENT AGREEMENT—RESOLUTIONS EN BLOC

Mr. PRYOR. I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 410, 411, 412, 413, 414, 415, and 416.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

RACE DAY IN AMERICA

The resolution (S. Res. 410) designating February 17, 2008, as ''Race Day in America'' and highlighting the 50th running of the Daytona 500 was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 410

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (NASCAR) Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the 3rd Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of ''The Great American Race''—the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge on the ''World Center of Racing'' each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas, on February 17th, 2008, the Daytona 500 celebrates its historic 50th running: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th running of the Daytona 500, ''The Great American Race'', on February 17, 2008; and

(2) designates February 17, 2008, as ''Race Day in America'' in honor of the Daytona 500.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. HECTOR P. GARCIA

The resolution (S. Res. 411) honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to, as follows:

S. RES. 411

Whereas, Hector P. Garcia was born on January 17, 1914, in Llera, a small town in south central Tamaulipas, Mexico;

Whereas, Hector P. Garcia was brought to Mercedes, Texas, as a small child when his parents fled the Mexican Revolution in 1917;

Whereas, Dr. Hector P. Garcia graduated from the University of Texas Medical School in 1940, and later joined the United States Army;

Whereas, Dr. Hector P. Garcia served as an infantryman, a combat engineer, and a medical doctor during World War II, and earned the Bronze Star medal with six battle stars for his distinguished service;

Whereas, Dr. Hector P. Garcia founded the American GI Forum in 1948 to fight for equal treatment of Mexican-American veterans, including proper medical treatment and educational benefits;

Whereas, in 1949, Dr. Hector P. Garcia secured a burial with full military honors at Arlington National Cemetery for Pvt. Felix Longoria after a Texas funeral home refused to hold a wake for Pvt. Longoria, a U.S. soldier killed during World War II, for the sole reason that he was Hispanic;

Whereas, President Lyndon Johnson made Dr. Hector P. Garcia the first Mexican-American to serve as an ambassador to the United Nations;

Whereas Dr. Hector P. Garcia was the first Hispanic to serve on the U.S. Commission on Civil Rights;

Whereas, in 1984, President Ronald Reagan bestowed upon Dr. Hector P. Garcia the Presidential Medal of Freedom;

Whereas Dr. Hector P. Garcia devoted his life to fighting for civil rights and educational access for Mexican-Americans;

Whereas this nation has benefited from Dr. Hector P. Garcia's legacy of generosity and commitment to equality: Now, therefore, be it

Resolved, That the Senate honors the life of Dr. Hector P. Garcia, a selfless physician, decorated World War II veteran, dedicated family man, and civil rights hero, and joins in the celebration of his birthday, January 17.

COMMENDING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA

The resolution (S. Res. 412) commending the Appalachian State University Mountaineers of Boone, North Carolina, for winning the 2007 National Collegiate Athletic Association Division 1 Football Championship Subdivision (formerly Division 1–AA) Championship was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 412

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win a National Collegiate Athletic Association (NCAA) football championship with its victory over the University of Northern Iowa;

Whereas, in 2006, Appalachian State University defeated the University of Massachusetts football team to win its 2nd straight championship;

Whereas, in December 2007, the Appalachian State University Mountaineers won their 3rd straight NCAA Division 1 national title by winning the Division 1 Football Championship Subdivision (formerly known as the Division 1–AA Championship), the first Football Championship Subdivision team in history to accomplish this feat, beating the University of Delaware (Delaware) Blue Hens by a score of 49–21;

Whereas, in the 2007 championship game, senior tailback Kevin Richardson opened the scoring with a 19-yard touchdown reception on a screen pass from Armanti Edwards;

Whereas Delaware responded by driving the ball to the Appalachian State 1-foot line, where the Mountaineers stonewalled the Blue Hens with an impressive defensive stand;

Whereas, on the ensuing possession, sophomore Devon Moore extended the lead to 14–0 in a touchdown run that capped a 5-play, 99-yard drive to set an Appalachian State school record for longest scoring drive;

Whereas Appalachian State extended the lead to 21–0 with 10:22 remaining in the 2nd quarter as freshman tight end Daniel Kilgore recovered a fumble in the endzone for the touchdown as the Mountaineers scored on their 1st 3 drives of the game;

Whereas Delaware broke into the scoring column with only 1:10 remaining in the 1st half, in a play that was originally ruled incomplete, but upon official review was ruled a touchdown to cut the Appalachian State lead to 21–7;

Whereas Appalachian State answered the score 26 seconds later as Armanti Edwards threw a 60-yard touchdown pass to senior Dexter Jackson, in his 4th touchdown pass this season to Dexter Jackson for more than 59 yards;

Whereas Appalachian State opened scoring in the 3rd quarter to extend their lead to 35–7;

Whereas Delaware countered to cut the Appalachian State lead to 35–14;

Whereas Kevin Richardson then ran the lead to 42–14 with a 6-yard touchdown for his 2nd score of the game, in which he posted a total of 111 yards rushing and 27 yards receiving with touchdowns both on the ground and by air;

Whereas Kevin Richardson is Appalachian State's all-time leading rusher, closing his college career with 4,797 yards on the ground;

Whereas sophomore quarterback Armanti Edwards had 198 yards passing, 89 yards rushing and 3 passing touchdowns, and finishes the season with 1,948 yards passing and 1,587 yards rushing, falling just short of becoming the 1st player in NCAA history to pass for 2,000 yards and rush for 1,000 yards twice in his career;

Whereas Corey Lynch finishes his career with 52 pass breakups, capturing the NCAA Division I record for career passes defended;

Whereas the team's championship victory finished off a remarkable season for the Mountaineers, who, on September 1, 2007, in their 1st game of the 2007 season, beat the University of Michigan Wolverines, ranked 5th nationally at the time, by a score of 34–32 in front of 109,000 spectators at ''The Big House'' in Ann Arbor, Michigan, marking the 1st time a Division 1–AA team has ever beaten a nationally ranked Division 1–A team;

Whereas the Mountaineers finished off this impressive 2007 season with a 13–2 record;

Whereas the Appalachian State Mountaineers 2007 All-Americans include Kerry Brown, Corey Lynch, Kevin Richardson, Armanti Edwards, Gary Tharrington, and Jerome Touchstone; and

Whereas the Mountaineers enjoy widespread support from their spirited and dedicated fans as well as the entire Appalachian State University community: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Appalachian State University Mountaineers football team for its historic season and National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

(2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(B) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

COMMENDING WAKE FOREST UNIVERSITY DEMON DEACONS

The resolution (S. Res. 413) commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men's Soccer National Championship was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 413

Whereas the Wake Forest Demon Deacons beat the Ohio State Buckeyes 2–1 to win the finals of the 2007 College Cup;

Whereas, in the 11th minute, Demon Deacon goalkeeper Brian Edwards blocked a close-range shot and defender Lyle Adams cleared the net to prevent the Buckeyes from attempting to score on the rebound;

Whereas Brian Edwards was named the Most Outstanding Defensive Player at the College Cup after making 12 saves in the NCAA Championships and allowing only two goals in five postseason games;

Whereas, in the very next possession, Ohio State's Roger Espinoza scored in the 13th minute;

Whereas Marcus Tracy had the tying goal in the 66th minute, his third of the 2007 College Cup, finishing a run from sophomore Cody Arnoux;

Whereas Zack Schilawski scored the game-winning goal in the 74th minute by taking a cross from Marcus Tracy and firing the center shot from 10 yards out;

Whereas for seniors Julian Valentin, Pat Phelan, Brian Edwards, and Alimer Gonzales, the game marked the end of their college careers;

Whereas Marcus Tracy was named the Most Outstanding Offensive Player at the College Cup after scoring both goals in the 2–0 semifinal win over Virginia Tech, scoring the game-tying goal in the finals against Ohio State, and assisting on the game-winning goal by Zack Schilawski;

Whereas Sam Cronin, Zach Schilawski, and Cody Arnoux were all named to the College Cup All-Tournament Team;

Whereas Wake Forest was represented on the National Soccer Coaches Association of America (NSCAA)/Adidas All-America team by defender Pat Phelan (first team), midfielder Sam Cronin (second team) and forward Cody Arnoux (third team), and was the only school to have a representative on the first, second, and third All-America teams;

Whereas defender Julian Valentin was named to the All-Senior All-America team sponsored by Lowe's;

Whereas Wake Forest's run to the national championship included a second round win over Furman (1–0), a third round win over West Virginia (3–1), a quarterfinal round win over Notre Dame (1–0), and a semifinal round win over Virginia Tech (2–0);

Whereas Wake Forest finished with a 22–2–2 record on the season;

Whereas Wake Forest was the number two seed in the tournament and making its second consecutive College Cup appearance;

Whereas the Demon Deacons have been to 12 NCAA Tournaments including seven straight;

Whereas Wake Forest was ranked first or second in the major soccer polls for the vast majority of the 2007 regular season;

Whereas the NCAA title is the eighth national championship for Wake Forest athletics; and

Whereas the university also holds three titles in field hockey (2002, 2003, 2004), three titles in men's golf (1974, 1975, 1986) and a title in baseball (1955): Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Wake Forest University Demon Deacons men's soccer team for its historic season and championship title;

(2) recognizes the hard work and preparation of the players, head coach Jay Vidovich, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Nathan O. Hatch, President of Wake Forest University;

(B) Ron Wellman, Director of Athletics at the University; and

(C) Jay Vidovich, Head Coach.

NATIONAL STALKING AWARENESS MONTH

The resolution (S. Res. 414) designating January 2008 as ''National Stalking Awareness Month'' was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 414

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that partner;

Whereas 74.2 percent of stalking victims report that being stalked interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent of stalking victims never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cybersurveillance the new frontier in stalking;

Whereas national organizations, local victim service organizations, prosecutors' offices, and police departments stand ready to assist stalking victims and work diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as ''National Stalking Awareness Month'';

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through observation of National Stalking Awareness Month.

HONORING THE LIFE OF WILLIAM KARNET ''BILL'' WILLIS

The resolution (S. Res. 415) honoring the life and recognizing the accomplishments of William Karnet ''Bill'' Willis, pioneer and Hall of Fame football player for both Ohio State University and the Cleveland Browns was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 415

Whereas William Karnet Willis (''Bill'') was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University's Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944, becoming the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1944 and in 1945;

Whereas, on August 7, 1946, Bill Willis was the first of a pioneering foursome to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-America Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the first 3 Pro Bowls;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team's Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation's College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired on November 3, 2007;

Whereas Bill Willis dedicated his life to helping others and served his community honorably on the Ohio Youth Commission;

Whereas Bill Willis was a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of William Karnet ''Bill'' Willis, a dedicated family man, civil servant, and football legend; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the family of Bill Willis.

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

The resolution (S. Res. 416) recognizing the 60th anniversary of the United States Air Force as an independent military service was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 416

Whereas President Harry S Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for ''all matters pertaining to military ballooning, air machines, and all kindred subjects'';

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William ''Billy'' Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry ''Hap'' Arnold, James ''Jimmy'' H. Doolittle, and Edward ''Eddie'' Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. ''Hap'' Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James ''Jimmy'' H. Doolittle led 16 North American B–25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S Truman supported organizing air power as an equal arm

of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles ''Chuck'' Yeager piloted the X–1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B–58 Hustler and B–36 Peacemaker, and the Boeing B–47 Stratojet and B–52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in the Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate, That the Senate remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

CORRECTING THE ENROLLMENT OF H.R. 660

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 62.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 62) to correct the enrollment of H.R. 660.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. I ask unanimous consent that the concurrent resolution be agreed to; the motion to reconsider be laid upon the table; and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 62) was agreed to, as follows:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

''SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

''(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

''(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

''(1) Magistrate judges appointed under section 631 of title 28, United States Code.

''(2) Magistrate judges retired under section 377 of title 28, United States Code.

''(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.''.

EXTENDING ESSENTIAL AIR SERVICE SUBSIDIES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 2260, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2260) to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be

read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2260) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2260

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

SECTION 1. ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—Subsection (d) of section 409 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under subsection (c) of section 409 of such Act that was in effect on such date.

ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 366, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 366) to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic.''

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 366) was ordered to a third reading, was read the third time, and passed.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 528, S. 2436.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I am pleased that today the Senate is acting on S. 2436, a bill to clarify the term of the IRS Commissioner.

The Internal Revenue Restructuring and Reform Act of 1998 provides that the President appoints the IRS Commissioner to a 5-year term. On the face of it, the Commissioner's term of office might seem quite clear. But lawyers in the administration and the Senate have disagreed over when the 5-year term begins and ends.

Specifically, there is dispute over whether the term of the IRS Commissioner follows the calendar or the person. Let me explain.

If the term follows the calendar, the tenure of the Commissioner begins on the same date every 5 years. For example, if one term ends on November 12, then the next term begins the next day on November 13—whether or not a new Commissioner has been confirmed.

This arrangement provides certainty for the Commissioner's term. It allows for planning and continuity of leadership. It minimizes the ability of an administration to play games with the timing of the term by waiting to fill a vacancy.

If the term follows the person, then the tenure of each Commissioner begins on the date of that individual's appointment. Under this scenario, a President deliberately could wait to appoint a new Commissioner until right before the end of the President's term, leaving the next President to inherit an appointee whom the new President did not choose.

While the President waited, the IRS could be without a permanent Commissioner indefinitely. That would put tax administration at risk.

There is another reason why it is important to clarify the term of the Commissioner. Ambiguity in the term could lead taxpayers to question whether the Commissioner is legitimately in office. And thus ambiguity could call into question the Commissioner's authority to enforce the tax laws.

For example, if the term arguably ended in November, but the Commissioner signed a tax pronouncement the next month, in December, then a taxpayer might challenge the Commissioner's authority to act. Tax administration could be compromised. Taxes that are legally owed might not be collected.

Staff for the Treasury and the Senate gave this issue much thoughtful discussion. We received credible legal opinions on both sides. We need to resolve the tenure of the term before the Senate confirms another Commissioner.

To resolve the differences of interpretation, I worked with the administration to develop the language in this bill. The ranking Republican member of the Finance Committee, my friend, Senator CHUCK GRASSLEY, is the principal cosponsor. I am advised that the President and the Treasury Secretary both agree that this legislation is necessary to resolve any concerns over the term of the Commissioner.

Upon enactment of this legislation, the Finance Committee and the full Senate will be able to take further necessary steps to confirm a new Commissioner. The IRS needs strong leadership for the upcoming filing season and beyond.

I thank my colleagues for their support of this legislation to clarify the term of the IRS Commissioner.

Mr. President, the legislative history of this provision is inextricably tied to the legal opinions of distinguished counsel for the Senate, the Justice Department, and the Congressional Research Service. The opinion of the Senate Legal Counsel reflects the motivations of this Senator in advancing this legislation. And the opinions of the Justice Department and the Congressional Research Service are essential to understanding the need for this legislation. Mr. President, I commend to my colleagues the legal opinions prepared by the Senate Legal Counsel, the Justice Department's Office of Legal Counsel, and the Congressional Research Service's American Law Division.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2436) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2436

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

SECTION 1. CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE.

(a) IN GENERAL.—Paragraph (1) of section 7803(a) of the Internal Revenue Code of 1986 (relating to appointment) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from individuals who, among other qualifications, have a demonstrated ability in management.

''(B) TERM.—The term of the Commissioner of Internal Revenue shall be a 5-year term, beginning with a term to commence on November 13, 1997. Each subsequent term shall begin on the day after the date on which the previous term expires.

''(C) VACANCY.—Any individual appointed as Commissioner of Internal Revenue during a term as defined in subparagraph (B) shall be appointed for the remainder of that term.

''(D) REMOVAL.—The Commissioner may be removed at the will of the President.

''(E) REAPPOINTMENT.—The Commissioner may be appointed to serve more than one term.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendment made by section 1102(a) of the Internal Revenue Service Restructuring and Reform Act of 1998.

CHILD SOLDIERS ACCOUNTABILITY ACT OF 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 532, S. 2135.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2135) to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported by the Committee on the Judiciary with an amendment, as follows:

[Insert the part printed in italic.]

S. 2135

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 ''Child Soldiers Accountability Act of 2007''.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. Recruitment or use of child soldiers

''(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

''(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

''(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

''(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

''(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

''(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

''(4) the offense occurs in whole or in part within the United States.

''(d) DEFINITIONS.—In this section:

''(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

''(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

''(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

''(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored.''.

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

''§ 3300. Recruitment or use of child soldiers

''No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.''.

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

''2442. Recruitment or use of child soldiers.''; and

(B) in the table of sections for chapter 213, by adding at the end the following:

''3300. Recruitment or use of child soldiers.''.

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.''.

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.''.

(d) WITHHOLDING OF REMOVAL.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended by adding at the end the following: ''For purposes of clause (iii), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.''.

(e) ASYLUM.—Section 208(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(B) is amended by adding at the end the following:

''(iii) RECRUITMENT AND USE OF CHILD SOLDIERS.—For purposes of clause (iii) of subparagraph (A), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.''.

Mr. DURBIN. Mr. President, I rise to speak in support of the Child Soldiers Accountability Act of 2007. This narrowly tailored bipartisan legislation would make it a crime and a violation of immigration law to recruit or use child soldiers. Congress must ensure that perpetrators who use children to wage war are held accountable and do not find safe haven in our country.

I would like to thank the other original cosponsors of the Child Soldiers Accountability Act, Senator TOM COBURN of Oklahoma, Senator RUSSELL FEINGOLD of Wisconsin, and Senator SAM BROWNBACK of Kansas. This bill is a product of the Judiciary Committee's new Subcommittee on Human Rights and the Law, which is the first ever congressional committee or subcommittee dealing specifically with human rights. I am the chairman of this Subcommittee and Senator COBURN is its ranking member.

The use of child soldiers has been reported in 21 ongoing or recent conflicts throughout the world since 2001, including conflicts in Colombia, Uganda, the Democratic Republic of Congo and Sri Lanka. The proliferation of small arms, particularly lightweight automatic weapons that can be used by children as easily as by adults, has contributed to the increased use of child soldiers. Child soldiers are often used in conflicts where high desertion rates and insufficient volunteers have generated a shortage of soldiers.

For example, Burma is believed to be one of the countries with the largest number of child soldiers in the world. Burmese military recruiters reportedly buy and sell children in a desperate effort to meet recruitment quotas in a setting where low morale, high desertion rates and insufficient volunteers have created a military personnel crisis. In a report to the U.N. Security Council on children and armed conflict in Burma issued last month, the Secretary General stated that there has been tremendous pressure to accelerate recruitment rates in the Burmese armed forces and that recruitment centers have experienced difficulty meeting their quotas. The U.N. Secretary General's report also found that some children picked up by police in Burma without national identification cards are told they can ''choose'' to be arrested or enlist in the army. According to another report, children constitute a large percentage of privates in some of the new Burmese army battalions and some have been forced to participate in human rights abuses, including burning villages.

One Burmese boy was reportedly forcibly recruited twice by the time he was 16 years old. This boy was allegedly sold to a battalion by a corporal for approximately US$15, a sack of rice and a tin of cooking oil. When this boy's aunt and grandmother sought his release, the captain of the battalion company apparently said he would let the boy go in exchange for five new recruits. The boy reportedly told his aunt that he didn't want five other people to have to face what he had experienced in the army.

There is a clear legal prohibition on recruiting and using child soldiers. Under customary international law, recruitment or use of child soldiers under the age of 15 is a war crime. Over 110 countries, including the United States, have ratified the Optional Protocol to the Convention on the Rights of the Child, which prohibits the recruitment and use of child soldiers under 18.

Over the last few years, significant progress has been made in the prosecution of child soldier recruitment and use by international courts. In 2005, the International Criminal Court issued its first arrest warrants for five Lord's Resistance Army commanders from Uganda for, among other crimes, enlisting

children as soldiers by two of the commanders. In February 2006, the International Criminal Court issued an arrest warrant for Thomas Lubanga for the war crime of ''conscripting and enlisting children under the age of 15 years and using them to participate actively in hostilities.'' Mr. Lubanga, the first person to be arrested by the International Criminal Court, allegedly recruited children as young as ten years old to fight for the Union of Congolese Patriots in the northeastern region of the Democratic Republic of Congo.

In June 2007, the Special Court for Sierra Leone became the first international court to issue convictions for child soldier recruitment, finding three defendants guilty of crimes that included conscripting or enlisting children under the age of 15. In August 2007, the Special Court for Sierra Leone found another defendant guilty of using child soldiers.

Despite these positive developments, the ability of international tribunals or hybrid courts to try these cases is limited. The average perpetrator still runs very little risk of being prosecuted. National courts can and should play a greater role in prosecuting perpetrators.

Unfortunately, recruiting and using child soldiers does not violate U.S. criminal or immigration law. As a result, the U.S. government is unable to punish individuals found in our country who have recruited or used child soldiers. In contrast, other grave human rights violations, including genocide and torture, are punishable under U.S. criminal and immigration law.

This loophole in the law was identified during ''Casualties of War: Child Soldiers and the Law,'' a hearing held by the Senate Subcommittee on Human Rights and the Law. Ishmael Beah, a former child soldier and author of the bestselling book A Long Way Gone: Memoirs of a Boy Soldier, testified at this hearing. Mr. Beah said this gap in the law ''saddens me tremendously'' and that closing this loophole ''would set a clear example that there is no safe haven anywhere for those who recruit and use children in war.''

The Child Soldiers Accountability Act will help to ensure that the war criminals who recruit or use children as soldiers will not find safe haven in our country and will allow the U.S. Government to hold these individuals accountable for their actions.

First, this bill will make it a crime to recruit or use persons under the age of 15 as soldiers. Second, it will enable the government to deport or deny admission to an individual who recruited or used child soldiers under the age of 15.

This legislation will send a clear message to those adults who deliberately and actively recruit or use children to wage war that there are real consequences to their actions. By holding such individuals criminally responsible, our country will help to deter the recruitment and use of child soldiers.

Recognizing that adults often use drugs, threats, or other means to pressure child soldiers into committing serious human rights violations, including the recruitment of other children, this legislation seeks to hold adults accountable for their actions and is not intended to make inadmissible or deportable former child soldiers who participated in the recruitment of other children.

Former child soldiers require extensive care and support from family and others in order to be rehabilitated and reintegrated into society. As Mr. Beah testified, ''[h]ealing from the war was a long-term process that was difficult but very possible . . . Effective rehabilitation of children is in itself a preventive measure, and this should be the focus, not punitive measures against children that have no beneficial outcome for the child and society.'' This legislation should not be interpreted as placing new restrictions on or altering the legal status of former child soldiers who are seeking admission or are already present in the United States.

I urge my colleagues to ask themselves the question Ishmael Beah posed: Would we want our children or grandchildren to endure the pain and suffering that Mr. Beah and other child soldiers face? As Mr. Beah reminded us, the lives of child soldiers are just as important as those of our children and grandchildren. We have a moral obligation to take action to help these young people and to stop the abhorrent practice of recruiting and using child soldiers.

I urge my colleagues to support this legislation.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass S. 2135, the Child Soldiers Accountability Act of 2007. I commend Senator DURBIN and Senator COBURN for their leadership on this important legislation to combat the unconscionable practice of using children as soldiers in violent conflicts, and I was proud to join as a cosponsor of this bill. I am glad that Senators DURBIN and COBURN worked with me and others on the Senate Judiciary Committee to produce a consensus bill and to move it through Committee and the Senate. The United States should do all it can to prevent and punish this conduct which is so contrary to our values.

This bill creates a tough new criminal provision aimed at those who recruit or conscript children under the age of 15 into armed conflict. It extends U.S. jurisdiction to perpetrators of this crime who are present in the United States, regardless of their nationality and where the crime takes place, so that those who commit human rights violations cannot come to this country as a sanctuary from prosecution. The bill also amends immigration law to allow those who have used children as soldiers to be barred or removed from the United States.

This bill is another example of the good work of the Judiciary Committee's new Subcommittee on Human Rights and the Law. I am glad that the efforts Subcommittee Chairman DURBIN and I have made to make this subcommittee a force for change and to bring focus on these important issues is resulting in legislative action, as well as providing a forum to put a spotlight on important issues. This is an area in which I have worked for many years as the chair and ranking member of the Foreign Operations Subcommittee of the Appropriations Committee.

During the last 5 years, America's reputation has suffered tremendously. Some of our ability to lead on human rights issues has been needlessly and carelessly squandered. Abu Ghraib, Guantanamo and torture have tarnished that role and that tradition. The secret prisons that the President confirmed last year, this Administration's role in sending people to other countries where they would be tortured, and recent revelations of the destruction of videotapes showing cruel interrogations by the CIA have led to condemnation by our allies, to legal challenges, and to possible criminal investigations.

I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee. This subcommittee will continue to closely examine some of the important and difficult legal issues that are now a focus of the Judiciary Committee and will work to reverse and correct the damaging policies established by this administration over the last 6 years. The subcommittee has already spearheaded the Genocide Accountability Act, which will soon provide a powerful new tool in America's efforts to prevent and punish genocide, and has made further progress with hearings and legislation dealing with human trafficking and other vital issues.

The conduct prohibited by the Child Soldiers Accountability Act is appalling but happens all too often throughout the world. We should do everything we can to stop this offense to human rights and human dignity, which exacts such great costs from too many of the world's children. I commend the Senate for passing this important legislation today.

Mr. President, I yield the floor.

Mr. PRYOR. I ask unanimous consent that a Feingold amendment, which is at the desk, be agreed to; the committee amendment be agreed to; the bill, as amended, be read three times and passed; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3882) was agreed to, as follows:

AMENDMENT NO. 3882

(Purpose: To exclude groups assembled solely for non-violent political association from the definition of an armed force or group)

On page 4, line 7, insert after ''state-sponsored'' the following: '', excluding any group assembled solely for non-violent political association''.

The committee amendment was agreed to.

The bill (S. 2135), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2135

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 ''Child Soldiers Accountability Act of 2007''.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. Recruitment or use of child soldiers

''(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

''(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

''(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

''(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

''(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

''(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

''(4) the offense occurs in whole or in part within the United States.

''(d) DEFINITIONS.—In this section:

''(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

''(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

''(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

''(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.''.

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

''§ 3300. Recruitment or use of child soldiers

''No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.''.

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

''2442. Recruitment or use of child soldiers.'';

and

(B) in the table of sections for chapter 213, by adding at the end the following:

''3300. Recruitment or use of child soldiers.''.

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.''.

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.''.

(d) WITHHOLDING OF REMOVAL.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended by adding at the end the following: ''For purposes of clause (iii), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.''.

(e) ASYLUM.—Section 208(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(B) is amended by adding at the end the following:

''(iii) RECRUITMENT AND USE OF CHILD SOLDIERS.—For purposes of clause (iii) of subparagraph (A), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.''.

ORDERS FOR WEDNESDAY, DECEMBER 19, 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m. Wednesday, December 19, 2007; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that during morning business, Senator REED of Rhode Island be recognized for up to 30 minutes; and that on Wednesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for a party conference meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

LETTER OF RESIGNATION

Mr. PRYOR. I understand the Chair has an announcement.

The PRESIDING OFFICER. The Chair lays before the Senate the letter of resignation of Senator TRENT LOTT of Mississippi.

Without objection, the letter is deemed read and spread upon the journal.

The letter is as follows:

DECEMBER 18, 2007.

Hon. RICHARD B. CHENEY,
President of the United States Senate,
Washington, DC.

DEAR MR. PRESIDENT: I hereby give notice of my retirement from the Office of United States Senator from the State of Mississippi. Therefore, I tender my resignation effective at 11:30 p.m., December 18, 2007.

Respectfully submitted,

TRENT LOTT,
United States Senate.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:10 a.m., adjourned until Wednesday, December 19, 2007, at 11:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, December 18, 2007:

THE JUDICIARY

JOHN DANIEL TINDER, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

EXTENSIONS OF REMARKS

RECOGNIZING TERENCE ALLEN KLOS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Terence Allen Klos, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Terence has been very active with his troop, participating in many Scout activities. Over the many years Terence has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Terence Klos for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING MONTY SLOUGH AND THE DENTON COUNTY VETERANS MEMORIAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Monty Slough of Little Elm, Texas for his years of service in the United States Armed Forces and for his continued service to our country by building a memorial to veterans from Denton County, Texas.

After checking records at the Department of Veterans Affairs, Monty identified the names of nine fallen service members and created a personal way to memorialize their service. Without prompting or financial support, Mr. Slough began building a granite tiled memorial to Denton County soldiers, sailors, airmen and marines who died in service in Iraq or Afghanistan.

Mr. Slough has taken up the honorable but unfortunate task of paying respect to fellow veterans who pay the ultimate price while serving our country. In his own eloquent words, Monty said, ''This isn't going to bring them back, but they sure as hell are not going to be forgotten.''

The mobile memorial built by veterans Monty Slough and Dee Cork is an example of why we hold our Nation's veterans in such high esteem. I believe the character displayed by Mr. Slough and Mr. Cork should be highlighted as an example of American civic duty and community support; I rise here today to show them that courtesy.

It is with great honor that I recognize Mr. Monty Slough of Little Elm, TX for his dedication to veterans and their families. I thank him for his work, I support his mission, and I am honored to represent him in the 26th District of Texas.

H.R. 6

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. HERGER. Madam Speaker, today the House considered H.R. 6, new tax and energy legislation. I strongly opposed the bill because I believe it will contribute to higher gasoline and diesel prices. Though there are a few worthwhile provisions in the legislation, its failure to effectively address the fact that families and small businesses are spending more and more of their hard-earned income on gasoline, diesel, and other energy costs warrants its defeat. Unfortunately this bill is a case of one step forward and many steps back.

H.R. 6 would extend tax credits for renewable electricity production from wind, solar, biomass, and geothermal. Increasing the diversity of our energy supply is important to meeting our Nation's future energy needs and is something I've long supported. But any benefits America would gain from new renewable production would be seemingly lost because of the bill's steep tax increases on petroleum and natural gas production. Petroleum and natural gas currently supply roughly 63 percent of America's energy needs. Renewable sources account for only 7 percent. A truly balanced bill would provide incentives for environmentally responsible production of *all* energy sources, including fossil fuels, which energy forecasters predict will continue to provide for the vast majority of energy uses in our country. Not only does H.R. 6 not provide incentives for new American oil and gas production, the bill could actually make the cost of producing these important energy resources more expensive because of the new multibillion dollar tax increase that is the centerpiece of this legislation. These tax increases will likely be passed on to consumers in the form of higher gasoline and diesel and home heating and cooling costs.

Singling out American energy companies for new taxes also runs directly counter to our goal of reducing the Nation's reliance on foreign sources of oil by encouraging more domestic production. At the time of America's first ''energy crisis'' in the 1970s, approximately 30 percent of our petroleum needs were met by oil imported from foreign countries. Today that number is over 62 percent. With petroleum use expected to increase over the next several decades, this number will only continue to grow unless steps are taken to reverse the trend. Continued reliance on hostile regions of the world for our energy needs threatens America's national and economic security. Such a serious problem is deserving of an equally serious response rather than the hollow gestures of energy independence within H.R. 6. While it's reasonable to expect that some percentage of our oil supply will continue to come from overseas, America can increase her energy independence through environmentally responsible oil and gas production here at home. We have resources in Alaska and deep ocean areas and, importantly, the state-of-the-art technology needed to develop these resources while preserving a healthy environment.

This legislation's completely unbalanced approach to energy policy could not come at a worse time for northern California. Gasoline and diesel prices in our area are hovering around record levels despite the fact we are now in the driving ''off-season''—a time when fuel demand, and consequently fuel prices, are historically at their lowest levels of the year. One can only imagine how high prices will rise in the spring, when driving season begins and the state's fuel refiners take facilities offline to prepare them for production of California's special summertime boutique fuel blends.

H.R. 6 would also increase the Nation's ''CAFE'' or fuel efficiency standards for cars, light trucks, and SUVs. Fuel efficiency is an important attribute in any car. The emergence of new ''hybrid'' vehicles is an example of consumer preference in the free marketplace forcing automakers to produce more fuel-efficient vehicles. But developing the know-how to build a car with better gas mileage takes time. I'm concerned that when faced with a federal mandate to meet such high efficiency standards in a relatively short amount of time, automakers may be forced to choose the path of least resistance by simply reducing vehicle size and weight, thereby making the cars people drive less safe in collisions. The National Academy of Sciences concluded in a 2002 study that smaller vehicle sizes have caused traffic fatalities to increase anywhere from 1,300 to 2,600 lives per year.

An increase in the Nation's ethanol mandate is also in the bill. While striving to develop new sources of fuel should remain a significant goal, it is important to point out the unintended consequences that have come with mandating ethanol use throughout the Nation. For instance, the ethanol mandate has contributed to higher gasoline prices for California motorists. Ethanol cannot be shipped by pipeline. Instead, it must be transported from the Midwest by rail or truck. This process not only adds to the fuel's cost, it can, in some cases, contribute to California's notorious refining bottleneck if there are delays in its delivery to our State.

The current ethanol mandate has also caused corn prices to roughly double over the last 2 years. While this has been good news for corn farmers, the result has had a slightly different outcome for everyone else. Prices for food products dependent upon corn and other grains, such as beef and dairy, have increased along with the price of corn. H.R. 6 seeks to raise the current ethanol requirement by a factor of five. Such a dramatic increase,

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

combined with growing demand for corn-fed meat products the world over, will likely result in even higher food prices for U.S. consumers.

Some have suggested that the shipping problems and price inflation associated with corn ethanol can be overcome if biofuels are made locally with material native to our area. Cellulosic forest residue left over from thinning or restorative forestry projects has been at the top of this list. Although the technology to make this fuel in a cost-effective manner is still being developed, California's 18 National Forests could serve as a ready supply of material to meet future biofuel needs. But this legislation expressly forbids any forest materials from our National Forests—not even a single pine needle—to be used as feedstock for biofuels manufacturing. The vast majority of the National Forest land in our congressional district has been rated as ''Condition Class III'' by forest researchers and scientists, meaning that the forests face an extraordinarily high risk of catastrophic fire. There is no scientific dispute of the fact that forest materials must be removed in order to protect communities and wildlife from severe fire and to generally restore forest health. Using forest residue for biofuels would arguably contribute both to forest recovery and to the Nation's fuel supply. But for reasons that can only be explained by environmental politics, the Democrat leadership has again labeled California's National Forests ''off-limits'' to commonsense forest management and a new and important source of a future renewable fuels supply.

Finally, H.R. 6 seeks to mandate a new national ''Renewable Portfolio Standard'' or ''RPS.'' The RPS would require all private electricity supply companies to generate 15 percent of the electricity they produce with renewable sources, such as wind, solar power, or biomass. California already has such a mandate so the proposed federal standard is not new policy for our State's electricity providers. But other States, particularly those that lack the abundant natural resources we have, will likely struggle to meet the requirements of the RPS. Energy companies in these areas will have to purchase high cost power or renewable energy ''credits'' from other regions of the country. These costs will also be passed on to families and small businesses. Higher energy costs, no matter where they occur, harm U.S. economic competitiveness and will likely serve as a drag on an already uneasy economy.

But even California, with its own renewable electricity requirement, would not come out ahead if the proposed federal RPS mandate in H.R. 6 becomes law. Just as the bill inexplicably limits the use of National Forest materials for cellulosic ethanol production, it also places unworkable limits on the use of forest resources for electricity production. Again, one step forward and several steps back.

A truly balanced energy bill would begin with the serious problem of record gas prices and reducing America's dependence on foreign sources of energy and then proceed with creating incentives that would unleash the power of American inventiveness and creativity in order to develop the next generation of energy technology and supplies. H.R. 6 relies on an outdated and failed belief that Washington knows best. Over 1,000 pages of legislative text contains little in the way of broad-based incentives, but is chock-full of new regulations and a higher tax burden, which will do little, if anything, for consumers. A better approach would get Washington out of the way and allow market-oriented solutions to provide for an affordable, diverse, and secure energy supply for America.

SALUTING ALPHA KAPPA ALPHA SORORITY ON ITS CENTENNIAL

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. FATTAH. Madam Speaker, January 15, 2008, is a special day for more than 200,000 college educated African-American women throughout the world but especially here in our Nation's Capitol.

It is the Centennial Founders' Day for Alpha Kappa Alpha Sorority Inc., the first and the oldest sorority for African Americans. On this date in 1908, nine women at Howard University in Washington, DC joined through real sisterhood and service founded Alpha Kappa Alpha. They soon added seven honor students from Howard's Class of 1910 to ensure the continuity and growth of the organization.

Their names are enshrined in the stunningly beautiful ''Alpha of Alpha Kappa Alpha'' Founders Window in the Rankin Chapel on that campus.

From its proud beginning at Howard University, AKA has grown to more than 200,000 strong, including undergraduate members and graduate members—affiliated with 975 chapters all over the globe and on every continent.

From the beginning, the women of Alpha Kappa Alpha have lived up to their calling as ''A Legacy of Sisterhood and Service.'' They have responded to the world's increasing complexity in a manner that continues to empower communities through exemplary service initiatives and progressive programs.

Centennial International President Barbara A. McKinzie is leading the membership during some of the most turbulent times in our history. Economics education is the foundation of the program platforms with special emphasis on Black families and youth, mental, physical and emotional health, encouraging entrepreneurships and other business opportunities and proving technology advancement for our seasoned seniors. This president has championed breast cancer awareness and vigilance among the membership and all African-American women. Her educational program has included advocacy for Sister Study, a long-term research project to determine the causes of breast cancer among African-American women.

Alpha Kappa Alpha has partnered with ''Coaches Versus Cancer'' to raise money for and promote cancer prevention. The sorority has partnered with State Farm Insurance Co. and Dr. Ian Smith, author of ''Fat Smash Diet'' on the 50 Million Pound Weight Loss Challenge. It is also partnering with African Ancestry to use the power of DNA to help find genealogic answers about African Americans.

These community service activities are ongoing as Alpha Kappa Alpha proceeds with a nationwide one hundred year celebration.

Alpha Kappa Alpha launched its Centennial during 2007 with regional celebrations. The Centennial will kick off with the 100th Birthday Celebration at Howard University from January 12 to 15, 2008, culminating with the Centennial Boule in July that will bring over 20,000 women and their families to Washington, DC to mark ''100 Years of Service.''

As a proud member of Alpha Phi Alpha, the first African-American fraternity, I can attest to the pride and tradition and value that the Greek-letter organizations have brought to African Americans all across our land. I congratulate the women of Alpha Kappa Alpha and their families as they pause and celebrate their legacy of good works and Sisterhood.

CELEBRATING THE RETURN OF ARMY SPECIALIST JOEL MORERA

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise today to honor and welcome home Army SPC Joel Morera. Specialist Morera was wounded in Iraq on July 28, 2007, when an explosive device hit his vehicle.

Specialist Joel Morera received a Purple Heart in August. The Purple Heart is awarded to members of the Armed Forces of the United States who are wounded by an instrument of war in the hands of the enemy.

Today, SPC Morera and his family will arrive back home in Clewiston, FL, so that he can celebrate the holidays in his hometown. I join the veterans and residents of Highlands County, Hendry County and Glades County in paying our respects to SPC Morera and celebrating his return to the Sunshine State.

I rise today with great pride to honor this brave young man and to thank him for his incredible sacrifice. The courage of SPC Morera and his fallen comrades ensure that all Americans can enjoy liberty.

Madam Speaker, please join me and the communities of the 16th District of Florida in welcoming Army Specialist Joel Morera and his family home for the holidays.

RECOGNIZING SEAN LOGAN GRAHAM FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Logan Graham, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many Scout activities. Over the many years Sean has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Graham for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING DEE CORK AND THE DENTON COUNTY VETERANS MEMORIAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Dee Cork for his years of service in the United States Armed Forces, and for his continued service to our country by building a memorial to veterans from Denton County, Texas.

Working along with Mr. Monty Slough, Mr. Cork identified the names of nine fallen servicemembers and created a personal way to memorialize their service. Without prompting or financial support, Mr. Cork began building a granite-tiled memorial to Denton County soldiers, sailors, airmen, and marines who died in service in Iraq or Afghanistan.

Mr. Cork has taken up the honorable but unfortunate task of paying respect to fellow veterans who pay the ultimate price while serving our country. In his own eloquent words Dee said, ''It would be nice to see no one else on it, one is too many.''

The mobile memorial built by veterans Monty Slough and Dee Cork is an example of why we hold our Nation's veterans in such high esteem. I believe the character displayed by Mr. Slough and Mr. Cork should be highlighted as an example of American civic duty and community support; I rise here today to show them that courtesy.

It is with great honor that I recognize Mr. Dee Cork for his dedication to veterans and their families. I thank him for his work, I support his mission, and I am honored to have the opportunity to recognize him today.

BLOCK BURMESE, JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2007

SPEECH OF

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. HERGER. Mr. Speaker, I rise in support of extending additional import sanctions against the repressive Burmese military junta. This regime has steadfastly refused to make progress—not only with respect to its abhorrent and inexcusable human rights record, but also in preventing democracy to take root in Burma.

This past July, the House and Senate passed a bill which renewed our import ban against all Burmese products. Unfortunately, shortly after our renewal of the ban, the situation in Burma took a grave turn for the worse. As we all know, in September 2007, Buddhist monks led demonstrations in Burma, which ultimately culminated in an estimated 100,000 people marching through Rangoon. The peaceful protestors called for improvements in human rights, democratic processes, and the release of opposition leader and Nobel Peace Prize winner Aung San Suu Kyi, who still lives under unjustified house arrest.

The Burmese regime responded to these peaceful demonstrations with a violent crackdown that led to deaths and hundreds more injuries. In addition, according to human rights groups, thousands of individuals have been arrested, tortured, or otherwise intimidated based on the regime's belief that these individuals participated in the protests.

These recent events make clear that it is time to strengthen our sanctions by putting a full stop on trade in Burmese rubies and jadeite, the sales of which finance the Burmese regime. While we need to act unilaterally, we also need to structure our strengthened import ban in a way that encourages and paves the way for multilateral pressure on the military regime. A multilateral effort that truly squeezes the junta is the only way sanctions will lead to real, lasting reform.

The Committee on Ways and Means, which has jurisdiction over import matters, has done just that. Working with the Foreign Affairs Committee, my committee was able to refine provisions so that all Burmese rubies and jadeite—and jewelry containing these Burmese stones—could fall under the purview of the current ban, even if the jewelry was made in, and exported from, a third country.

While we believe the changes the Ways and Means Committee made to this legislation maximize our compliance with U.S. international obligations, the added provisions also open the door to building a multilateral consensus at the United Nations and World Trade Organization to prevent trade in Burmese rubies and jadeite. Modeled after the successful conflict diamonds legislation, the provisions my committee added are proven and administrable.

At the same time, however, I am concerned about the provisions relating to the Generalized System of Preferences. While I understand the need to avoid unduly harming third countries affected by this ban, I believe that the approach outlined in this bill creates a number of problems and doesn't create a solid basis for holding these countries harmless. It is our expectation that there will be continued work with Chairman RANGEL and the other body to solve these problems as this bill moves forward.

For these reasons, I urge support of H.R. 3890, as amended.

RECOGNIZING JACOB DANIEL FICHMAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jacob Daniel Fichman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many Scout activities. Over the many years Jacob has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jacob Fichman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE RENEWABLE HEAT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. YOUNG of Alaska. Madam Speaker, I rise today to introduce the Renewable and Hydro-electric Energy for Alaska's Tomorrow Act, the Renewable HEAT Act. The purpose of this legislation is to authorize the Department of Energy to provide grants for carrying out renewable energy and hydroelectric projects.

Similar, yet more restrictive, language was included in the Senate-passed energy bill, H.R. 6. The bill, written in secret behind closed doors by my colleagues on the other side of the aisle, is hardly an energy bill. More accurately described as the ''Energy Suicide Act,'' this bill will do nothing to reduce our dependence on hostile foreign nations, nor will it bring relief to Americans suffering from rising energy costs. In fact, it will do the opposite. The only positive aspect of this bill is the provision providing grants for renewable energy, and more importantly, Alaska small hydroelectric projects.

Madam Speaker, I cannot in good conscience vote for a bill that tries to fool the American people into thinking we are going to be able to lower their energy prices. How can we lower costs and become energy independent if there is no production? Essentially, it is economic terrorism. And who is dictating the terms of this bill? The environmental groups funded by millionaires who don't lose any sleep wondering how they are going to heat their homes, as temperatures drop. We are approaching a state of crisis, where oil is trading for $90 a barrel.

As I stated earlier, the only real energy provided for in the deceptive H.R. 6 is for hydroelectric power in Alaska. My colleagues seem to think that water is the only resource needed to keep a world power running. Since I cannot vote for this bill in its entirety, I have introduced this legislation to provide grant money for hydropower to my State of Alaska. Hydroelectric power is the Nation's largest renewable energy source and accounts for seven percent of America's electricity supply. Even though Alaska is one-sixth the size of the entire Nation, it is home to about 40 percent of the country's free-flowing freshwater.

Rural Alaskan communities have the highest utility rates in America, paying up to six times the national average, while also suffering the lowest per capita incomes. Currently, heating oil costs between $3 and $5 a gallon. The diesel-fired electricity so many Alaskan communities rely upon is not only expensive, it's dirty. The generators are old, unreliable, and release pollutants into the air, and in order to conserve money, are usually turned off at night. The grants this bill provides will assist these areas in the transition to clean, more affordable energy by giving them the funding to harvest the natural flow of water that surrounds them.

It has become clear to me that the United States Congress has no intention of taking care of the American people by making sure

they can heat their homes and put food on their plates. Therefore, I must make sure my Alaskans are taken care of, while they endure some of the coldest temperatures in the country.

CONFERENCE REPORT ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of the Conference Report to the Intelligence Authorization Act of 2008. This legislation authorizes appropriations for the conduct of intelligence and intelligence-related activities of the Office of the Director of National Intelligence; the Central Intelligence Agency; the Department of Defense; the National Security Agency; and the Drug Enforcement Administration.

The legislation touches all aspects of our national security—from preventing the spread of weapons of mass destruction, to anticipating and addressing developing threats around the world. Additionally, this legislation ensures that intelligence is collected, analyzed, and disseminated in a manner that comports with American law, policies and values.

In conference, we added a provision requiring U.S. interrogation policies employed by our intelligence community to follow those outlined in the U.S. Army Field Manual. The strength of our Nation comes not only from the might of our military, but from the power of our example. Historically, the United States has stood as a beacon for human rights and the rule of law. Unfortunately, that light has been dimmed recently as a result of the Bush Administration's gross indifference to the Geneva Convention and anti-torture regimes. The language was inserted not only to help regain our moral standing around the world, but also as a critical step toward protecting our own troops captured in the field. It is no secret that the world looks to how we treat our prisoners when determining how to treat our troops.

When we practice waterboarding or when we inhumanely parade our detainees around naked before the cameras, the world sees this as the standard to apply to the treatment of American troops.

According to testimony received by intelligence committees in the House and Senate, the U.S. Army Field Manual provides a detailed description of interrogation strategies that can be used to effectively elicit information from detainees while allowing the flexibility to adapt particular approaches to particular situations.

Importantly, the U.S. Army Field Manual also includes a number of specific prohibitions. Acts of violence or intimidation—including physical or mental torture, or exposure to inhumane treatment—are prohibited.

It also explicitly prohibits forcing a detainee to be naked; perform sexual acts; placing hoods or sacks over the head of a detainee; electric shock; burning or other forms of physical pain; waterboarding; using military working dogs; conducting mock executions; and depriving the detainee of necessary food, water, or medical care.

Private security companies, funded by billions of dollars in U.S. military and State Department contracts, are performing many of the jobs handled by our troops. Some of these jobs include work assigned to the intelligence community.

This conference report adds an additional level of oversight and accountability of these contractors by requiring the director of national intelligence to provide a report to Congress by April of next year, describing the services performed by contractors across the Intelligence Community.

This conference report seeks to start the process of establishing a clear definition of the functions that may be appropriately performed by contractors employed by the intelligence community. It is key that the intelligence community exercises the will to identify criminal violations by contractors and puts in place procedures to respond to financial fraud or other abuses. Requiring a report of contractor activities will help policymakers determine whether intelligence contractors are performing functions that are legal or that should be performed by government employees.

Passage today of this conference report will correct a three-year failure by Congress to pass an Intelligence Authorization bill. With this legislation, Congress sends to the President an intelligence package that makes new investments in human intelligence training and adds funds for sending analysts overseas while also enhancing oversight and eliminating wasteful spending. This conference report is also a significant move in the direction of reestablising our reputation abroad as a country dedicated to promoting and observing human rights.

I am happy to support this conference report and I encourage my colleagues to do the same.

RECOGNIZING KYLE JOSEPH KRUG FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Joseph Krug, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many Scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Krug for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SUPPORT OF THE FAIR FUNDING FOR SCHOOLS ACT

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. TERRY. Madam Speaker, I rise today in support of the Fair Funding for Schools Act, a law designed to build upon the important strides for local school districts that have been taken over the past 57 years by the Impact Aid program.

Because people living on Federal property do not pay local property taxes, often do not pay State income taxes, and have the ability to shop for groceries and other necessities at a base PX that does not charge sales tax, local school districts are left without a funding source they otherwise would have. The Impact Aid Program is designed to replace the lost tax revenue that local school districts depend on to provide a free pubic education to the communities they serve. Impact Aid has provided nearly $25 million dollars in funding for schools throughout my district, and over $1.2 billion for the more than 1,400 school districts currently receiving Impact Aid funding.

Impact Aid is the most efficient education program because money is wired directly from the Department of Education to the school's bank accounts, avoiding administrative costs at the State level. There are no strings attached to the money and local schools can use it in any way the school board sees fit. In the past this money has been used for such necessities as construction, salaries and supplies. As a leading member and co-chair of the House Impact Aid Coalition and the father of children receiving a public education, I understand the importance of this money to schools in my district and districts across the country.

The current re-authorization proposed by Congresswoman HIRONO and me makes an already strong program even stronger and more efficient. Our proposal eliminates duplicative provisions that are no longer necessary, corrects a major error in the previous reauthorizations allocation formula, updates the law to meet the challenges of base realignments and troop deployments currently faced by this Nation, and it simplifies and reforms a number of provisions to the law that ensures a smooth road ahead for school districts that rely on this money as an integral part of their budgets.

I would also like to mention the important contributions to this reauthorization made by Congressman CHET EDWARDS and Congressman JOHN CARTER of Texas. The insight they provided proved to be invaluable as we met with people involved in drafting our proposal. The suggestions of Congressman CARTER and Congressman EDWARDS strengthen this reauthorization and ensure that it will meet the needs of all the school districts affected by Impact Aid.

The Congress must continue to recognize the sacrifice our men and women in uniform make for all of us and provide their children with the best education possible. The Fair Funding for Schools Act achieves that goal, in Nebraska, Hawaii and every other State in the Union that receives Impact Aid dollars. I urge my colleagues to join me in supporting this important legislation.

RECOGNIZING THE RETIREMENT OF EAST BAY REGIONAL PARK DISTRICT LEGISLATIVE ADMINISTRATIVE ANALYST RO AGUILAR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mrs. TAUSCHER. Madam Speaker, I rise with my colleague, Hon. GEORGE MILLER, in the House of Representatives, to recognize Ro Aguilar for her service to the residents of the East Bay as an analyst for the East Bay Regional Park District, EBRPD, for more than 20 years.

Before joining the EBRPD Ms. Aguilar had established a strong record of effective public service in our community. She started her career of service as an educator in Contra Costa County and also served as a community coordinator for a local chapter of the American Red Cross.

In 1986 Ms. Aguilar joined the EBRPD as an administrative analyst in public affairs. Due to her sharp analytical skills and commitment to the values and ideals of the EBRPD she was appointed to the general manager's office as the legislative administrative assistant in just 2 short years.

The EBRPD has relied heavily on Ms. Aguilar's expertise and leadership skill. Since 1991 she has attended almost every National Park Recreation Association Mid-Year Legislative Forum in Washington, DC. Her efficient analytical style has also been central to her successful work with agencies and legislative staffers at all levels of government.

Ms. Aguilar's tireless work to organize and advocate on behalf of special districts in our community has produced remarkable results in our region. In the early 1990s she was instrumental in organizing the Alameda and Contra Costa County chapters of the California Special Districts Association, CSDA. Through the years these associations have contributed significantly to the quality of life for Alameda and Contra Costa County residents.

Since the formation of local CSDA affiliates Ms. Aguilar has regularly presented written reports to the local chapters regarding critical special district issues. Ms. Aguilar has offered her expertise on the Constitutional Revision Commission, the State budget tax shifts, and AB 1335, the special district representation on Local Agency Formation Commission legislation. Due to her commitment and strong work on behalf of special districts in our community Ms. Aguilar was recognized and honored as the Legislative Advocate of the Year for 2007 by the CSDA.

Ms. Aguilar's many accomplishments have immeasurably improved the East Bay and enriched the lives of its residents. I would like to thank her for her years of public service and wish her success and happiness in her future endeavors.

TRIBUTE TO BEN ANDREW SCHAMEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ben Andrew Schamel of Blue Springs, Missouri. Ben is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Unit 1362, and earning the most prestigious award of Eagle Scout.

Ben has been very active with his troop, participating in many scout activities. Over the many years Ben has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ben Andrew Schamel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

LETTER TO GEN PERVEZ MUSHARRAF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. WU. Madam Speaker, I rise to enter into the RECORD the text of a letter authored by Dean Harold Hongju Koh of Yale Law School and signed by numerous prominent law school deans, professors, and students to GEN Pervez Musharraf of Pakistan denouncing his recent assault on the rule of law in his country. Thank you, Madam Speaker.

We the undersigned lawyers, deans, professors, law students, and law school administration and staff denounce in the strongest terms General Pervez Musharraf's recent assault on the rule of lay in Pakistan. By suspending the Constitution; dissolving the Supreme Court and the provincial High Courts and replacing them with judges of his own choosing; engaging in arbitrary and unprovoked arrests of thousands of opposition leaders, journalists, and other law-abiding citizens; and violently suppressing protests by hundreds of lawyers who were acting in the highest tradition of our profession, General Musharraf is trampling upon the very system of law that alone can justify a ruler's power over his people. We stand in solidarity with our fellow lawyers and the democratic values that they represent, and we urge an early restoration of legality and legitimate authority in Pakistan.

Sincerely,

HAROLD HONGJU KOH,
Dean and Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School.

TRIBUTE TO ARMY NATIONAL GUARD BRIGADIER GENERAL JODI TYMESON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Iowa Army National Guard BG Jodi Tymeson after 33 years of faithful and honorable service.

After graduating from Ogden High School, GEN Jodi Tymeson enlisted in the Iowa National Guard in 1974 and was assigned to the headquarters and Headquarters Company, 248th Aviation Battalion, beginning her long and distinguished career in the military. She was selected to attend the Iowa Military Academy's officer candidate school and commissioned as a 2nd Lieutenant in 1982, assigned to Company B, 234th Signal Battalion as a telecommunications officer. During her service in the 234th Signal Battalion, GEN Tymeson also served as a platoon leader, company commander, systems control officer, battalion operations and training officer, executive officer and battalion commander.

In 1997 GEN Tymeson was assigned to the 67th Troop Command, where she served as an intelligence officer, operations and training officer, special projects officer and commander. On September 24, 2002, she became the first female to be promoted to the general officer rank in the Iowa National Guard. In addition to her many military positions, GEN Tymeson has an impressive military education background, a bachelor's degree in elementary education from the University of Northern Iowa and a master's degree in public administration from Drake University. She also currently serves in the Iowa House of Representatives as a District 73 Representative.

I commend GEN Jodi Tymeson for her many years of loyalty and service to our great Nation. It is an immense honor to represent GEN Tymeson in Congress, and I wish her the best in health and happiness throughout the future.

TRIBUTE TO CHRISTIAN RANDALL PETERSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christian Randall Peterson of Blue Springs, Missouri. Christian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Unit 1546, and earning the most prestigious award of Eagle Scout.

Christian has been very active with his troop, participating in many scout activities. Over the many years Christian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christian Randall Peterson for his accomplishments with the Boy Scouts of America and for his efforts put forth in

achieving the highest distinction of Eagle Scout.

HONORING RAY BROOKS HIGH SCHOOL 2007 CLASS 1A STATE CHAMPIONS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, today I rise to congratulate Ray Brooks High School for winning the Mississippi Class 1A State Football Championship. The Ray Brooks Tigers completed the 2007 season amassing 13 victories and only 1 loss. This State Championship is their second in 3 years.

Benoit is a small town in the Mississippi Delta, as of the 2000 census there were 611 residents. As a matter of fact, Ray Brooks is one of the smallest high schools in the State of Mississippi. Madam Speaker, although Benoit may be small in population; it has no shortcomings in regards to its high school football team.

What makes this feat more impressive is the fact that Ray Brooks didn't have a football program for 15 years until 2002. The Tigers have been in the playoffs each of the last 6 years they have been back on the football field. During this 6-year period, the tigers have been phenomenal going 62–13 since restarting their football program.

Madam Speaker, not only have the Tigers enjoyed success this year but, they have done so dominantly averaging 35.4 points per game during the regular season while only allowing 9.9 points per game this season. Three wins came by the way of a shutout.

Madam Speaker, I would like to congratulate the student-athletes, student-body, faculty, staff, administration, and the community of West Bolivar for winning the 2007 Mississippi Class 1A State Championship. I am extremely proud to represent these young men and I look forward to the 2008 season.

HONORING THE LIFE OF THOMAS ''TOMMY'' MAKEM

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. CROWLEY. Mr. Speaker, I rise today to observe the passing of a friend and a man for whom I held a tremendous amount of respect, Tommy Makem.

Tommy was an internationally celebrated folk musician, actor, artist, poet, songwriter, and storyteller from Ireland who took pride in sharing the Irish culture with those around the globe. He emigrated to the United States in 1955, with nothing more than a makeshift suitcase, a pair of bagpipes, and proof of his health, to pursue a career in acting. He settled in Dover, New Hampshire. After a brief period as an actor, Tommy Makem went on to join a band of Irish descent, The Clancy Brothers, where he rose to international fame.

Tommy broke out on his own following his time with The Clancy Brothers and educated generations on the history, traditions, and customs of Ireland through his music, art, and poetry. He wrote hundreds of songs, including, ''Four Green Fields,'' ''Gentle Annie,'' and ''The Rambles of Spring,'' which have been played in Carnegie Hall, Madison Square Garden, Royal Albert Hall and across the United States, Canada, and Australia.

Tommy Makem's illustrious career awarded him honorary doctorates from the University of New Hampshire in 1998, the University of Limerick in 2001, and the University of Ulster in 2007. He was regarded as an exceptional musician and achieved both gold and platinum albums, and a host of other awards, such as the Gold Medal of the Eire Society in Boston, the Genesis Award from Stonehill College in Massachusetts, an Emmy nomination for a New Hampshire public television series, as well as the first Lifetime Achievement Award in the Irish Voice/Aer Lingus Community Awards. Tommy, one of the greatest Irish-Americans of the 20th Century, was also listed as one of the top 100 Irish Americans in the Irish American Magazine 5 years in a row. The World Folk Music Association awarded him its Lifetime Achievement Award in 1999.

Tommy Makem passed away on Wednesday, August 1, 2007, in Dover, New Hampshire. He will be remembered not only for his incredible achievements, but as a dedicated husband, father, and grandfather. His enduring memory and music will live on, as will the power and energy of his unyielding spirit. He remains a true inspiration to me and millions of others around the world.

TRIBUTE TO HUNTER EDISON STOLL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Hunter Edison Stoll of Lee's Summit, Missouri. Hunter is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Unit 1255 and earning the most prestigious award of Eagle Scout.

Hunter has been very active with his troop, participating in many scout activities. Over the many years Hunter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Hunter Edison Stoll for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO COUNCILMAN WERNER SCHON

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. FERGUSON. Madam Speaker, I rise to recognize Councilman Werner Schon and his service to the residents of Mountainside, New Jersey.

Councilman Schon is the longest serving councilman in Mountainside history, having served for 25 years, including 3 years as council president. He has also served as the town's fire commissioner, during which time he helped to acquisition fire vehicles for his town. When the New Jersey Department of Transportation attempted to close a U-Turn on a local highway, Councilman Schon worked diligently to alert the Department about safety concerns connected with such a move, and he successfully prevented the closure.

Werner Schon is retiring from public service in Mountainside and will be honored at the town's reorganization meeting on January 2, 2008. I join the residents of Mountainside in wishing Councilman Schon many happy years of rest and relaxation with his family, and I am pleased to honor his service to Mountainside.

TRIBUTE TO JOSEPH K JOHNSEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph K Johnsen of Kearney, Missouri. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Unit 1135, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph K Johnsen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE ''ADDITIONAL SAFEGUARDS FOR LEASE AND DEVELOPMENT OF NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS ACT''

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. FILNER. Madam Speaker, I rise today to introduce legislation to take reasonable steps to prevent avoidable disasters related to seismic activity in connection with the lease and development of non-excess property of military departments, H.R. 4719.

In San Diego. California, the Department of the Navy is planning a mixed-use development along the downtown waterfront that will incorporate not only a new Navy headquarters, but also business, commercial, and housing elements. It has come to my attention that the land in question is within the Uniform Building Code, UBC, Seismic Zone 4.

My bill requires the lease for this development to be revoked unless the Secretary of the Navy determines that seismic activity would not have any significant impact on any

portion of the proposed development. My bill would also extend this requirement to other leases on which no substantial construction has already begun.

In my view, it is only reasonable to require a scientific review of this issue before construction begins. Please support H.R. 4719.

A TRIBUTE TO COLLEAGUE, PIONEER, AND DEAR FRIEND CONGRESSWOMAN JULIA CARSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. RANGEL. Madam Speaker, I rise today in reverence of the trailblazing life led by our colleague, Congresswoman JULIA CARSON, and to commemorate the myriad achievements attached to her name. She spent over 35 of her years—more than half of her life—as a spirited public servant, pushing her message of hope and equality in the Indiana legislature, and subsequently, the halls of Congress.

Her 1996 election from the Indianapolis district marked a litany of historic firsts: the first woman, the first African American from that area to serve in the House, and up until her passing, the only one in that delegation to fit that profile. Hers was a unique—strong, proud—voice, and the people of her district—the people of America—were all the better for it.

Known to all as ''Miss Julia,'' Congresswoman CARSON was raised in modest conditions and retained that modesty throughout. She was born to a single mother, a housekeeper, who instilled in her the core values that impelled her to always agitate for justice. Her convictions drove her to be a vehement critic of the Iraq invasion of 2003, and her respect for history led her to push for the conferring of a congressional gold medal to civil rights heroine Rosa Parks.

Representative CARSON, herself, was a heroine, and although her presence is infinitely missed, her aspirations for this great Nation will never leave us.

IN MEMORY OF CONGRESSWOMAN JULIA CARSON

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. BACA. Madam Speaker, I stand here today to mourn the loss of a friend, and celebrate the life of a dedicated public servant and exemplary American.

Congresswoman JULIA CARSON was a trailblazer and an inspiration to her colleagues here in the House of Representatives.

Before beginning her political career, Congresswoman CARSON raised two children as a single, working mother.

She first ventured into politics in the 1960's, when she went to work for then-Congressman Andrew Jacobs.

From then on she served as a State Representative, State Senator, City Trustee, and U.S. Representative.

Throughout her distinguished career, Congresswoman CARSON never forgot who she was or where she came from.

She served as a constant advocate for those in her community who had no voice.

Since first coming to Congress in 1999, I have had the extreme privilege of working with Congresswoman CARSON on a number of issues.

In particular, we worked together to champion the cause of minority and socially disadvantaged farmers—who have traditionally faced many discriminatory obstacles.

In all our work together, I was amazed by her passion and her simple dedication to doing the right thing.

Madam Speaker, Congresswoman CARSON will be deeply missed by her family, friends, constituents, and colleagues here in Congress.

But her actions have left a bold legacy of action that will continue in the lives of those she has touched.

TRIBUTE TO LATE CONGRESSWOMAN JULIA CARSON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great sadness that I recognize the life and passing of colleague Congresswoman JULIA CARSON of Indiana's 7th District. I have known this extraordinary person for a long time. She was a woman of principle who unabashedly championed the issues in which she believed. Her constituents and the Nation have lost a great legislator and an outstanding leader.

Congresswoman CARSON made history in 1996 by becoming the first woman and the first African-American Indianapolis has ever sent to Congress. And she came to Congress with one mission—to improve the lives of the people of her community. Even as she rose to a position of prominence in this body, she never forgot the people she was sent here to serve. She truly dedicated her career to them—and for that, earned the respect and gratitude of all Americans.

Since her days in the Indiana State Senate, Congresswoman CARSON has been committed to helping seniors live with independence and dignity as they age. Throughout her career, she has provided exceptional leadership and devoted service to America's senior citizens.

Congresswoman CARSON was also a strong proponent of civil rights movement, scaling the barriers imposed by poverty and sexism. She was a leader in advocating for voting rights, and worked diligently for the health and income needs of people experiencing homelessness and families at risk of homelessness. As a member of the Committee on Financial Services and the Committee on Transportation & Infrastructure, Congresswoman Carson worked to address the most pressing needs of her constituents and this Nation.

In the 108th Congress, Congresswoman CARSON was the sponsor of the largest Amtrak reauthorization bill, the National Defense Rail Act, which provided the rail passenger system with over $40 billion in funds to develop high-speed rail corridors and aid in the development of short distance corridors between larger urban centers.

Madam Speaker, Indiana has lost a powerful legislator. The Nation has lost a great leader. The Congress will mourn JULIA CARSON for her enormous intellectual ability and her huge heart. I will miss an irreplaceable colleague and friend.

And yet, I know that while her loss will be deeply felt, the memory of her kindness and the recollection of her good deeds will transcend into future generations.

HONORING JANET MYERS

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Mrs. Janet Myers on her retirement after decades of dedicated service to her community.

Twenty four years ago, Janet Myers was elected to the Penndel Borough Council in Bucks County Pennsylvania. While on the council, Mrs. Myers served her community on the police, finance, building and maintenance and streets committees. Her leadership and activism after more than two dozen years will be missed.

Fourteen years ago, Mrs. Myers was one of the founders of the Penndel Activities Committee, which organizes a number of community events each year. Some of the community events include annual festivals, such as the Holiday Tree Lighting Program on the first Saturday in December, the Penndel Holiday Decorating Contest, the Easter egg hunt, a senior's birthday dinner and the Halloween parade. Mrs. Myers shaped the Penndel community with wonderful festivities every year and continued to make an impact even after she left the Activities Committee.

Madam Speaker, we are proud to have Mrs. Myers as a leader in our community and with her retirement, she leaves behind legacy that many will try to follow. Her devotion, selflessness, and commitment to the residents of Penndel Borough in Bucks County, Pennsylvania is unwavering. I ask my colleagues to join me today in thanking Mrs. Myers for improving the lives of so many and as we, in Bucks County, wish her well for the future.

TRIBUTE TO COLONEL BRINTON G. MARSDEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. BERMAN. Madam Speaker, I rise today to honor the life of Colonel Brinton G. Marsden. Colonel Brinton was born in Desoto, Missouri to Cornelius ''Roy'' Marsden and Hazel K. Marsden in July 1928. His father was a WWI veteran, Sergeant First Class, USMC, who fought in France. In 1939, Colonel Marsden's family moved to Los Angeles, CA and settled in Westwood.

He attended the University of Southern California (USC). During his studies there, he enrolled in the Air Force ROTC program, and

upon graduating, he was commissioned as a Second Lieutenant.

He was stationed abroad in Morocco at the Nour Asour Air Force Base outside of Casablanca where he traveled extensively throughout North Africa and Europe, with tours of duty that included Rhine Maine Air Force Base in Germany.

Upon returning home, Colonel Marsden applied his knowledge of the Air Force to the burgeoning aerospace industry in southern California. He focused mainly on aerospace marketing and sales. He also took part in the Mercury, Gemini, and Apollo space missions. The last major project he worked on was the C–17 cargo plane for Boeing. He remained on active reserve and in command of the 9012 Air Force Reserve Squadron until his retirement in 1983. He died on December 2, 2007.

Colonel Marsden was married to Paula Walsh in November of 1956 in Sherman Oaks, California. This past year they celebrated their 50th wedding anniversary. Colonel Marsden is survived by Paula, his loving wife; his three children, Brinton Jr., Kerri and Craig; his six grandchildren, Jason, Brinton, James, Connor, Timothy, and Jennifer. In addition he leaves behind his sister, Beverly Birner.

His funeral took place at the St. Cyrils of Jerusalem Church in Encino, California on December 6, 2007. He will be buried with full military honors at Arlington National Cemetery on January 22, 2008.

I extend my deepest sympathies to Colonel Marsden's family. The Nation is grateful for his years of distinguished service.

HONOR OUR FALLEN HEROES OF VIETNAM!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. FILNER. Madam Speaker and colleagues, I rise today to speak about a bill that I have just introduced that recognizes and honors the service and sacrifice of many members of the United States Armed Forces who fought in Vietnam, H.R. 4720, the ''In Memory Medal for Forgotten Veterans Act''.

Those so recognized are veterans who have died as a result of their service in the Vietnam War but who do not meet the criteria for inclusion on The Wall of the Vietnam War Memorial in Washington, D.C. The Vietnam Veterans Memorial Fund has a program called ''In Memory'' which has raised money for a plaque that has been placed near The Wall. The plaque honors ''those who served in the Vietnam War and later died as a result of their service''. No names are on the plaque, but all names are kept in the ''In Memory Book'' at a kiosk near The Wall, and families can order a copy.

My bill adds to this recognition by presenting the families of these veterans with a medal, to be known as the ''Jesus (Chuchi) Salgado Medal'' to be issued by the Secretary of Defense. Chuchi Salgado was an outstanding individual who lived in my Congressional district, whose exposure to Agent Orange ultimately led to his death. His relatives continue to live in my district.

Because of the boundaries that have been set for the names to be placed on The Wall, Chuchi and many, many other Vietnam veterans are not honored in this manner. Now, with new veterans coming back from Iraq and Afghanistan, we are all taking a second look and a closer look at how veterans from past wars have been treated. While we must care for the newer veterans, we must also take this opportunity to do right by veterans of Vietnam, along with other past wars and conflicts.

I invite my colleagues to join with me in honoring these veterans. It is critical that we remember those who have fought so gallantly and sacrificed their lives for our freedom! Please join me in supporting H.R. 4720.

RECOGNIZING THE 100TH ANNIVERSARY OF ROBSTOWN, TEXAS

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. ORTIZ. Mr. Speaker, I rise today to congratulate and honor ''The Biggest Little Town in Texas'': Robstown, Texas.

Robstown has been ''Celebrating a Century'' this year, as the city turns 100 years old.

This centennial celebration and resolution are especially important to me because Robstown is my hometown.

I was born and raised there, attended the public schools there, and held my first job as a ''printer's devil'' at the local newspaper there.

Cotton and vegetable farming played an important role in the history and economy of Robstown, named after prominent local Robert Driscoll.

Robstown is a town where citizens are deeply committed to public service.

We've sent sons and daughters to shape history in local, state, and Federal offices.

County Commissioners, Sheriffs, District Attorneys, District Judges, Federal Judges, State Representatives—and this proud Member of Congress—can all trace their roots to Robstown.

Noted actress and singer, Kathryn Grant Crosby, wife of the late great crooner Bing Crosby, also hails from Robstown.

Robstown also has a great athletic tradition.

Gene Upshaw, former NFL great for the Oakland Raiders, is from Robstown.

Humberto ''Lefty'' Barrera, bantamweight boxer on the historic 1960 Olympic team, who later earned an engineering degree at night school, also called Robstown home.

Our students also excel in the classroom, including the Robstown High School Cotton Pickers, who have achieved much in the fields of academics and athletics.

All year long, we have recognized the ''Century of Celebration'' which included a formal celebration on June 1.

One of our greatest traditions is the annual Cottonfest, held in October.

This year's was bigger and better than ever before.

Live music, arts and crafts, sports competitions, cook offs, contests, carnivals, and historical exhibits provide something for everyone.

We also have much to look forward to, as our town continues to grow.

Robstown enters the 21st century at the crossroads of international trade due to its proximity to railroads, interstate highways, sea ports, and airports.

Robstown will serve as a rail hub by connecting major railway companies—Texas Mexican Railway, Kansas City Southern, and Union Pacific—with direct links to Corpus Christi, Brownsville, Houston, San Antonio, and Laredo.

Robstown is also home to the new Nueces County fairgrounds and an entertainment venue.

My hometown is the future home of an inland port, which will be the first such port in the United States, and the future home of an Army storage facility.

And no trip to Robstown would be complete without a filling yourself up with South Texas' best BBQ at Joe Cotten's.

Cotten's is an iconic restaurant where many of you have joined me for lunch South Texas style.

It is where presidential candidates, athletes, businessmen, cowboys, writers, astronauts, Generals, Admirals, other celebrities, and thousands of others have eaten over the years.

Robstown is the best of our communities in South Texas—friendly, family-oriented, and proud of their history.

It was in Robstown where my mother taught me my most important lesson: to always serve the community that gave me so many opportunities growing up.

''To whom much is given, much is expected.''

Please join me in honoring Robstown on the city's 100th anniversary.

I'd like to thank Mr. CLAY and Mr. ISSA.

THE SECOND CHANCE ACT OF 2007

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support H.R. 1593, the Second Chance Act of 2007. I would like to thank my dear colleague Mr. DANNY DAVIS of Illinois for sponsoring this very important legislation that addresses the prison warehousing crisis in this country. H.R. 1593, a bill of which I am an original cosponsor, addresses the very serious concerns about the compromised state of warehousing prisoners.

Earlier this year, the Judiciary Subcommittee on Crime, Terrorism and Homeland Security of which I am a member, held hearings to address the state of certain conditions within the United States prison system. In one of those hearings, my colleagues and I considered the merits of the Second Chance Act, and my amendment which I offered in the last Congress was included in the base bill this year.

The Second Chance Act is designed to reduce recidivism, increase public safety, and help State and local governments better address the growing population of ex-offenders returning to their communities. The bill focuses on four areas: development and support of programs that provide alternatives to incarceration, expansion of the availability of substance abuse treatment, strengthening families, and the expansion of comprehensive reentry services.

Nearly two-thirds of released State prisoners are expected to be re-arrested for a felony or serious misdemeanor within 3 years of their release. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars, which can be averted through improved prisoner re-entry efforts.

The Second Chance Act of 2007 allocates funding towards a variety of re-entry programs. One of the main components of the bill is the funding of demonstration projects that would provide ex-offenders with a coordinated continuum of housing, education, health, employment, and mentoring services. This broad array of services would provide stability and make the transition for ex-offenders easier, in turn reducing recidivism.

Another reason why I strongly support this legislation is because it includes a provision contained in an amendment I offered during the Judiciary Committee markup of this bill in the 109th Congress. That amendment, incorporated in H.R. 1593 as section 243 of the bill, requires that the:

> Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

My amendment provides for a systematic means of ensuring the safety and support of children of incarcerated parents and the support of children of release for nonviolent offenders who have attained the age of at least 45 years of age, have never been convicted of a violent crime, have never escaped or attempted to escape from incarceration, and have not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

The Second Chance Act seeks to ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. A second benefit of the legislation is that it would relieve some of the strain on Federal, State, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

Madam Speaker, some of those who are incarcerated face extremely long sentences, and this language would help to address this problem. Releasing rehabilitated, middle-aged, nonviolent offenders from an already overcrowded prison population can be a win-win situation for society and the individual who, like the Jean Valjean made famous in Victor Hugo's Les Miserables, is redeemed by the grace of a second chance. The reentry of such individuals into the society will enable them to repay the community through community service and obtain or regain a sense of self-worth and accomplishment. It promises a reduction in burdens to the taxpayer, and an affirmation of the American value that no nonviolent offender is beyond redemption.

Madam Speaker, the number of Federal inmates has grown from just over 24,000 in 1980 to 173,739 in 2004. The cost to incarcerate these individuals has risen from $330 million to $4.6 billion since 2004. At a time when tight budgets have forced many States to consider the early release of hundreds of inmates to conserve tax revenue, early release is a commonsense option to raise capital.

The rate of incarceration and the length of sentence for first-time, nonviolent offenders have become extreme. Over the past two decades, no area of State government expenditures has increased as rapidly as prisons and jails. According to data collected by the Justice Department, the number of prisoners in America has more than tripled over the last two decades from 500,000 to 1.8 million, with States like California and Texas experiencing eightfold prison population increases during that time. Mr. Chairman, there are more people in the prisons of America than there are residents in States of Alaska, North Dakota, and Wyoming combined.

Over 1 million people have been warehoused for nonviolent, often petty crimes. The European Union, with a population of 370 million, has one-sixth the number of incarcerated persons as we do, and that includes violent and nonviolent offenders. This is one-third the number of prisoners which America, a country with 70 million fewer people, incarcerates for nonviolent offenses.

The 1.1 million nonviolent offenders we currently lock up represents five times the number of people held in India's entire prison system, even though its population is four times greater than the United States.

As the number of individuals incarcerated for nonviolent offenses has steadily risen, African-Americans and Latinos have comprised a growing percentage of the overall number incarcerated. In the 1930s, 75 percent of the people entering State and Federal prison were white, roughly reflecting the demographics of the nation. Today, minority communities represent 70 percent of all new admissions—and more than half of all Americans behind bars.

This is why for the last several years I have introduced the H.R. 261, the Federal Prison Bureau Nonviolent Offender Relief Act. H.R. 261 directs the Bureau of Prisons, pursuant to a good time policy, to release a prisoner who has served one-half or more of his or her term of imprisonment if that prisoner: (1) has attained age 45; (2) has never been convicted of a crime of violence; and (3) has not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

Over 2 million offenders are incarcerated in the Nation's prisons and jails. At midyear 2002, 665,475 inmates were held in the Nation's local jails, up from 631,240 at midyear 2001. Projections indicate that the inmate population will unfortunately continue to rise over the years to come.

To illustrate the impact that the Second Chance Act will potentially have on Texas, the Federal prison population for the years 2000, 2001, and 2002 reached 39,679, 36,138, and 36,635 persons respectively; the State prison population for the same years reached 20,200, 20,898, and 23,561 persons. These numbers have grown since 2002, so the impact is indeed significant and the State of Texas is an important stakeholder.

I am also concerned about the rehabilitation and treatment of juvenile offenders in my home State of Texas as it appears that the administrators of TYC have neglected their duties. The April 10, 2007 Dallas Morning News, reported that "two former Texas Youth Commission administrators were indicted on charges that they sexually abused teenage inmates at the state juvenile prison in Pyote." The same article also cited the 2005 investigative report by Texas Rangers' Sgt. Burzynski which found that the two indicted TYC administrators, Brookins and Hernandez, had repeatedly molested inmates in the Pyote prison. The report is cited as saying that Mr. Brookins, who during some periods was the top official, had shown sex toys and pornography in his office, while Mr. Hernandez molested inmates in classrooms and closets.

I hope that all of my colleagues would join me in supporting the Second Chance Act. Passage of H.R. 1593 would be the start of a long overdue process to eliminate unnecessary costs that result from warehousing prisoners.

RECOGNIZING THE LIFE OF CASIMIR LENARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. KAPTUR. Madam Speaker, I rise to pay tribute to Col. Casimir I. Lenard AUS (Ret.) who passed from this life on December 7, 2007. At exactly the same moment, the Polish-American Congress was holding a recognition ceremony during which he was awarded with the first-ever Polish-American Congress Medal of Freedom.

Casimir Lenard was born in Chicago, Illinois on March 10, 1918. Even though Chicago had an ever-expanding Polish population, at the age of 10 he journeyed to Poland, a country who regained its independence after more then a century of being ruled by its neighbors. He studied at the Jesuit Gimnazjum in Chyrow, Poland. Upon completion, he returned to the United States to attend Northwestern University where he received a Bachelor of Science degree in Economic History.

In receipt of his degrees, he learned of the German-Nazi's invasion of Poland. Upon hearing this news, he immediately joined the Chicago Black Horse Troop, 106th Cavalry, Illinois National Guard. This commenced a meritorious and distinguished military career. When the United States was drawn into the conflict in Europe, in 1941, he became part of the first U.S. Army to go overseas as a commissioned 2nd Lieutenant, assigned to the 1st U.S. Infantry Division. As a member of the 1st Reconnaissance Troop, Lenard was engaged in overseas combat duty from 1942 to 1945. He participated in major operations in the European Theatre including the D-Day invasion. He also served as press and radio censor with the Supreme Headquarters of the Allied Expeditionary Forces.

In 1945, he returned to the United States where he married Casimira (Myra) Lamot. He worked in the family restaurant business, known as "Lenard's Little Poland" in Chicago and "Lenard's Casino" Summer Resort in Beverly Shores, Indiana. However, when the United States engaged in the Korean War, he volunteered for active duty, serving from August 1951 to 1957, under special assignment with the Headquarters Berlin Command and later in Chicago.

In 1962, he was selected for a 5-year tour of active duty with the General Staff at the Pentagon, where he became Chief of the Army Intelligence Reserve Office. And as the United States engaged in another military conflict in Vietnam, he again heeded the call to service in 1967. After his tour, he was a military intelligence research analyst at the U.S. Army Institute of Land Combat. In 1970, Col. Lenard retired after 30 years of distinguished military service.

Col. Lenard gained numerous recognitions and awards during his extensive military career including: the Silver Star Medal with Cluster, the Legion of Merit, the Meritorious Service Medal, the Bronze Star Medal with ''V'' for Valor, the French Croix de Guerre with Palm, seven overseas campaign ribbons (Algeria-French Morocco, Tunisia, Sicily, Normandy, Northern France, Ardennes-Alsace and Rhineland) and numerous other, citations, the last being the Normandy Medal of the Jubilee of Liberty.

Upon retirement from the military, he became the first executive director of the Polish-American Congress, Washington D.C. Office. After leaving that office in 1974, he became Project Manager of the U.S. Bicentennial Ethnic Racial Council. He organized nationwide conferences and coordinated local and national U.S. Bicentennial activities, providing many opportunities for Polonia participation.

Together, with his wife Myra, Col. Lenard worked on many initiatives to support Polish independence, as the country once again suffered under the pervasive influence of its Soviet neighbor. He administered millions of dollars in grants at The National Endowment for Democracy through the Polish American Congress Charitable Foundation to support the budding Polish underground: Solidarity. He helped provide to Citizens' Committees with urgently needed technical resources and finances. Col. and Mrs. Lenard lead the march toward supporting Poland's membership in the North Atlantic Treaty Organization (NATO). Col. Lenard served on the Board of Directors of the American Red Cross. Moreover, Col. Lenard was well-known for his advocacy of close relations between Poles and Jews, the two groups that suffered the most under German-Nazi rule.

For his work with the Polish-American Community, the Polish-American Congress and the embitterment of Poland's position in the world, Colonel Lenard and his wife Myra, either jointly or as individuals, received many awards. These included the following: the Commander's Cross of the Order of Merit of the Republic of Poland with Star, Commander's Cross of the Order of Merit of the Republic of Poland, Polish Cavalry saber with inscription ''For Your Freedom and Ours From The Grateful Nation of Poland,'' the Polish-National Alliance's ''Gold Cross Legion of Honor,'' the Polish Apostolate ''Pride of Polish American Community Award, the Founders Award and the Grand Cross of the Order of Merit of the Republic of Poland.

Myra Lenard passed from this life on May 1, 2000, later to be joined with her husband. They are survived by their three children: George, Antoinette and Elizabeth as well as their grandson Jeffrey Lenard.

The Polish-American Congress Medal of Freedom was awarded to Col. Lenard on December 7, 2007. Since he was unable to obtain his award and the gratitude of Polish-Americans in person, it is a fitting to conclude this record of a remarkable man with the acceptance speech he wrote, but could not make upon receipt of this honor:

Merry Christmas to all of my dear friends. This is the first time in many years that I will not be able to share with you the wonderful holiday celebration we all look forward to that is sponsored by the Washington office of the Polish-American Congress.

Nonetheless, I am with you in spirit. I cherish the memories of our long association together, our common struggles in favor of a free and democratic Poland and in favor of Polish-American culture and the values that we all share.''

TRIBUTE TO U.S. AIR FORCE STAFF SERGEANT ALEJANDRO AYALA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, U.S. Air Force SSgt Alejandro Ayala. Today, I ask that the House of Representatives honor and remember this incredible young man who died in service to his country.

Alejandro had a lifelong fascination with the military. He attended Arlington High School in Riverside, CA, and joined the Reserve Officers' Training Corps. Immediately after his graduation in 1999, Alejandro joined the United States Air Force. Alejandro Ayala attended basic training at Lackland Air Force Base and then was assigned to Seymour Johnson Air Force Base in North Carolina, where he met his wife Megan, whom he married in 2003. Alejandro was subsequently assigned to the 90th Logistics Readiness Squadron at F.E. Warren Air Force Base in Wyoming. On Sunday, November 18, 2007, Alejandro died of injuries he received from a vehicle accident in Kuwait while serving with forces fighting in Iraq. He was 26 years old.

In reading about Alejandro's life, I was impressed by his devotion to family and the military. Alejandro's brother Cesar describes Alejandro as his inspiration for joining the U.S. Marine Corps. Alejandro is survived by his wife Megan; two young children, Alexandra and Matthew; parents Faustino and Ilda; twin sister Liset; sister Angelica; and brothers, Cesar and Francisco.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Alejandro, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Ayala family had to lay Alejandro to rest was probably the most difficult moment the family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice go out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Staff Sergeant Ayala's wife, children, mother, father, sisters, brothers and all his relatives have given a part of themselves in the loss of their loved one. I hope they know that the goodness Alejandro brought to the world and the sacrifice he has made will always be remembered.

TRIBUTE TO 75TH ANNIVERSARY OF THE SANDHILLS STOCK SHOW AND RODEO

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONAWAY. Madam Speaker, I rise today to congratulate the SandHills Stock Show and Rodeo on its 75th anniversary. Since 1932, the SandHills Rodeo has had an invaluable impact on the economy and heritage of West Texas.

From its beginnings as the first ''Pure Hereford'' Show in Texas in 1932 to the present-day exposition—including the horse show, stock show, and rodeo—the SandHills Rodeo has generated millions of dollars in revenue for the Permian Basin and has attracted thousands of visitors from across the country. Like the City of Odessa itself, the SandHills Stock Show and Rodeo has grown and flourished over the past 75 years and has become as much a part of Texas as the cowboys themselves.

Growing up in Odessa, I attended the rodeo and marveled at the brave cowboys on their bucking broncos and the fine animals that compete in the Stock and Horse shows. From the crowning of Miss SandHills Rodeo to the always exciting (at least for the parents) Boot Scramble, the rodeo has something for everyone. I am pleased that West Texans of all generations continue to enjoy this unique and exciting event. Congratulations to all of those who have made the SandHills Stock Show and Rodeo such a fine Texas tradition!

TO HONOR THE MEMORY OF STAFF SERGEANT. SHANE BECKER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the memory of SSG Shane Becker.

Mr. Becker served in the United States Army as a staff Sergeant. in the 1st Squadron, 40th Cavalry Regiment, 4th Brigade Combat Team, 25th Infantry Division.

Mr. Becker courageously died in combat on April 3, 2007, in Baghdad. I believe his service and commitment to our country most worthy of being recognized by this great legislative body.

Shane Becker was born October 12, 1971, and graduated from Greeley West High School in 1990. Becker joined the Army in 1993 and was stationed at Fort Hood, Texas. In 2006, Becker transferred from Fort Hood to Fort Richardson in Alaska.

Mr. Becker was a decorated war hero who received the Bronze Star, the Purple Heart, the Joint Service Commendation Medal, the Army Achievement Medal with three Oak Leaf Clusters, the Joint Meritorious Unit Award, the Army Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, and the Overseas Service Medal.

Becker is survived by his wife Crystal and daughters Cierra and Cheyenna; his mother and stepfather, Deborah and Bob Jorgensen, his father and stepmother, Joe and Jean Becker; sister Brooke Jorgensen; stepsister Nichole Becker; and stepbrothers Chris Becker, Adam Becker, Matt Jorgensen and Chris Jorgensen.

Madam Speaker, I am grateful for Mr. Becker's selfless service to our Nation. I urge my colleagues to join me in recognizing a man worthy of our honor, Mr. Shane Becker.

VETERANS GUARANTEED BONUS ACT OF 2007

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H.R. 3793, the Veterans Guaranteed Bonus Act. I am proud to cosponsor this important, bipartisan legislation which will ensure that members of the Armed Services who are discharged as a result of combat-related wounds receive the full compensation to which they are entitled.

H.R. 3793 was prompted by the recommendations of the Commission on Care for America's Returning Wounded Warriors, cochaired by former Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala. It will reverse a Department of Defense rule that unfairly penalizes wounded soldiers and prohibits them from receiving their full enlistment bonuses.

While facing the threat of a hostile enemy, our veterans have too often returned home to find more trouble: gaps in health care services, limited educational assistance, problems finding employment and a lack of support for their families. Too often, our brave military men and women find that while they have been willing to serve their country, their country is not ready to serve them. We can take an important step in reversing that trend by ensuring that veterans receive all the pay for which they are entitled.

According to Department of Defense rules, enlistees cannot receive their full enlistment bonus unless they fulfill their entire military obligation. Unfortunately, members of the Armed Services who are wounded while on active duty are not receiving their full bonuses because their service was prematurely cut short. The Veterans Guaranteed Bonus Act will correct this problem by requiring the Department of Defense to provide veterans who have been discharged due to combat-related wounds with full payment of remaining bonuses within 30 days of discharge. This will ensure that America's wounded warriors receive the full compensation promised to them.

These wounded veterans have earned their bonuses by answering the call to service. Now is the time to heed the recommendation of the Dole-Shalala Commission and fix this problem.

I would like to thank Congressman JASON ALTMIRE for introducing this legislation and Chairman BOB FILNER for prioritizing the health and well-being of the Nation's veterans.

RECOGNIZING MATTHEW J. ROBERTS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew J. Roberts, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew J. Roberts for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WILDLAND FIRE SAFETY AND TRANSPARENCY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to promote wildland firefighter safety and facilitate agency and congressional oversight of the Federal agencies' wildland firefighter safety practices and policies.

The legislation is identical to a bill introduced by Senator CANTWELL and cosponsored by my Colorado colleague, Senator KEN SALAZAR. That measure (S. 1152) has been favorably reported from the Senate's Committee on Energy and Natural Resources, and I am introducing a House companion to assist in securing enactment of the legislation.

The bill would require Interior Department agencies and the Forest Service to provide Congress with an annual joint report on their wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use.

This will encourage greater focus in the agencies and can assist in our oversight of these important agency activities.

Ensuring timely and sufficient information on the agencies' safety practices and policies is critical to such oversight. For example, the Federal agencies currently do not specifically track the portion of their wildfire-related funding that is expended for wildland firefighter safety and training, making oversight of safety program funding difficult.

Madam Speaker, wildland firefighting has long been a dangerous activity, as shown by a report from the National Wildfire Coordinating Group listing 945 fatalities resulting from wildland fire accidents since 1910. And while evidently from 1910 until the late 1970s and early 1980s, the number of Federal wildland fire fatalities was trending downward, but that trend has reversed, with the number of Federal fatalities slowly increasing since then.

This disturbing trend reflects the fact that in recent years wildfire behavior has become more extreme, the wildland-urban interface has grown rapidly, and the number and size of wildfires has increased significantly. Despite improvements in wildfire fighting technologies, these and other factors combine to make wildland firefighting more complex today than ever before.

The 1994 deaths of fourteen Forest Service firefighters on Storm King Mountain in Garfield County, Colorado, followed by four more deaths in the Thirtymile Fire in 2001, two in the Cramer Fire in 2003, five in the Esperanza Fire in 2006, and many others, particularly highlight the need for continual improvement in and oversight of safety policies and practices.

A number of recent reports have identified serious concerns with the agencies' safety practices. The Occupational Safety and Health Administration found ''serious and willful'' violations of safety standards by the Forest Service in its investigation of Thirtymile Fire fatalities, noting that a number of them were similar to failures which occurred at the Storm King Mountain fire. It also found willful, serious and repeated violations of safety regulations during its investigation of the Cramer Fire.

The agencies' growing reliance on contract wildfire fighting crews also has presented safety challenges. A report by the Department of Agriculture's Office of Inspector General (Report No. 08601–42–SF, March 2006) identified significant problems with oversight and administration of the Forest Service contracts and agreements for these private crews. The report's ''findings confirm the need to address serious control weaknesses with respect to the firefighting contract crews,'' which led the Inspector General to recommend, among other things, improving oversight of contract crews' qualifications and training.

These and other reports highlight the need for Congress and the Federal agencies to improve oversight in the area of wildfire safety. The agencies indicated at a recent Committee oversight hearing on wildfire that they are working on making some major changes to their training and other safety programs, which further highlights the need for Congress to keep abreast of the agencies' wildfire safety program.

This legislation is intended to assist in that effort, and I think it deserves the support of all our colleagues.

INTRODUCTION OF LEGISLATION TO CODIFY TITLE 51, U.S. CODE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 51, United States Code, certain general and permanent laws related to national and commercial space programs. It was prepared by the Office of the Law Revision Counsel as part of its functions under 2 U.S.C. 285(b).

This bill is the successor to H.R. 3039, introduced in the 109th Congress. It has been updated to include provisions enacted after the

earlier bill was prepared. It also contains changes made in response to comments received subsequent to the introduction of the previous bill.

This legislation is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel website at *http://uscode.house.gov/codification/legislation.shtml*.

The Committee on the Judiciary hopes to act on this bill after providing an opportunity for public review and comment. In addition to sharing concerns with the Committee, interested persons are invited to submit comments to Rob Sukol, Assistant Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C. 20515–6711, (202) 226–2411.

IN HONOR OF STEPHANIE C. KOPELOUSOS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today in honor of Stephanie C. Kopelousos, the Secretary of the Florida Department of Transportation.

Throughout her nearly 15 year public service career, Stephanie C. Kopelousos has worked in both State and Federal public policy, with a particular emphasis in transportation. Her impressive rise to Florida's Secretary of Transportation is well deserved and notable.

Stephanie C. Kopelousos is the first woman to serve as Secretary of Transportation of Florida. She oversees more than 7,000 employees and an annual budget of $8 billion. In an industry so critical to our economy such as transportation, it is sad that women are underrepresented. I hope that her status inspires other women to follow in her success. I believe her leadership will fuel Florida's continued economic growth and enhance Floridian's quality of life.

Secretary Kopelousos has served in several capacities in Florida's Department of Transportation since 2001. Prior to becoming Secretary, she was Interim Secretary and Chief of Staff, providing day-to-day management and directing legislative issues since December 2005. From 2001 to 2005, Secretary Kopelousos served as the primary federal liaison for the Florida Departments of Transportation and Community Affairs in Washington, D.C. Her policy portfolio included transportation, emergency management and disaster relief, and housing.

Her career boasts helping Florida receive its fair share of federal transportation funding as federal liaison for Florida Department of Transportation. In addition, her efforts during two back-to-back hurricane seasons in 2004 and 2005 helped Florida receive significant disaster-related assistance.

A graduate of the University of Alabama with a degree in Political Science, Secretary Kopelousos has proven herself to be a great asset to Florida's transportation needs. I am pleased to honor Stephanie C. Kopelousos for her distinguished accomplishment and her many years of outstanding service, and to thank her for her extraordinary dedication to the people of Florida.

TRIBUTE TO ROBERT E. SCHWENK, U.S. GOVERNMENT PRINTING OFFICE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, as Chairman of the Joint Committee on Printing, I would like to take this opportunity to recognize Mr. Robert E. Schwenk, Managing Director of Plant Operations at the Government Printing Office, who is retiring next month following 45 years of dedicated Federal service, most of it at the GPO in support of the Congress and Federal agencies.

Beginning as a GPO apprentice in 1962, Mr. Schwenk rose through the ranks to become Managing Director of Plant Operations in 2003. As Managing Director, he oversaw the daily operation of GPO's printing services, including prepress, press, and binding services, as well as the ancillary services supporting them, including supply stores and engineering functions. Employing approximately 1,200 skilled men and women, these operations are responsible for producing the publications that are essential to the legislative operations of this House and the Senate in the discharge of our constitutional obligations—the daily CONGRESSIONAL RECORD, bills, reports, hearings, committee prints, and the host of other documents created as we conduct the people's business. Without them, there would be no publicly accessible record of our work, no documentation for the media, judiciary, educational and research institutions, and the American people to refer to and rely upon as the foundation for our government of laws and democracy. He also oversaw production of the daily Federal Register and Code of Federal Regulations, the annual Budget of the United States, and other significant Federal documents, including U.S. passports.

One of the many fundamental changes in GPO's printing systems which took place during Mr. Schwenk's career was the development of congressional and other Federal information databases that could be used not only for printing, but for online and other electronic dissemination. Since 1986, when Mr. Schwenk was appointed to head GPO's electronic photocomposition division, he played a major role in the development of GPO's information technology operations, guiding successive generations of upgrades to GPO's prepress systems, leading the implementation of computer-to-plate technology, and assisting in GPO's transition to online dissemination in the 1990's with the creation of GPO Access, which quickly became one of the Federal Government's largest and most heavily used Web sites. GPO's transition to these systems has improved access to congressional information immeasurably, and yielded significant savings in congressional printing costs.

Mr. Schwenk's expertise in electronic systems and production operations were combined in his most recent achievement at GPO, in which he oversaw the implementation of electronic chips in U.S. passports and managed the growth in passport production from approximately 11 million total in 2003 to more than 2 million each month today. When the demand for passports increased exponentially over the past year, GPO quietly fulfilled its role, increasing both its staffing and productivity to meet the State Department's requirements. Mr. Schwenk leaves the GPO with the staffing, equipment, and plans in place to meet the future demand for this important document.

During his career at the GPO, Mr. Schwenk witnessed and participated in vast changes in Federal printing operations, as the impact of new technologies reduced GPO's staffing needs from its peak of nearly 8,500 in the mid-1970's to 2,300 today, while at the same time leading to an explosion in the access to Government information via the Internet. During that period, Mr. Schwenk saw history being made-and helped record it for posterity—at the GPO, as that office worked to produce the official versions of the Warren Report, historic civil rights and other legislation, photographs of the first landing on the moon, transcripts of hearings on Vietnam, Watergate, and Iran-Contra, the report on the Challenger space shuttle disaster, and many more.

Next month, he will retire from a long and distinguished career of public service. I ask my colleagues to join me in conveying our thanks to Mr. Schwenk and best wishes for a healthy and happy retirement.

TRIBUTE TO MR. RONALD F. DEATON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. BERMAN. Madam Speaker, I rise today to honor the career of Mr. Ronald F. Deaton. Mr. Deaton retired December 1, 2007 from the city of Los Angeles after 42 years of dedicated service to the people of Los Angeles. While Mr. Deaton is officially retiring as General Manager of the Los Angeles Department of Water and Power (LADWP), the Nation's largest municipally owned utility, he spent 11 years as the Chief Legislative Analyst (CLA), reporting directly to the Los Angeles City Council. In this position he was the chief advisor to the City Council and, with a staff of 50 professionals who researched and analyzed public policy issues, played a leading role in the critical decisions, actions and initiatives facing the city of Los Angeles during that period. He was one of the most clear-sighted, intelligent, and effective public servants I have had the opportunity to engage with in my 35 years in elected office. I consider him a good friend as well.

Mr. Deaton began his career in public service for the city of Los Angeles in 1965, when he first joined the LADWP and worked in budget preparation and market research. From there he moved to the City Administrative Office (CAO) in 1969, where again he was responsible for budget analysis and management audits. In 1976, he accepted a position

in the office of the Chief Legislative Analyst (CLA). He continued his work on budget issues affecting all the city departments. In addition, he oversaw the city's State and Federal legislative program.

In 1993, he was picked by the Council to be the CLA. In that position he was given the lead role in guiding the seismic rehabilitation and restoration of the historic Los Angeles City Hall and the Van Nuys City Hall. Additionally, he provided analysis and guidance in crafting the city's response to such challenging and complex issues as City Charter reform, secession, energy deregulation and redistricting.

Other programs which benefited from his involvement and dedication included the Proposition ''O'' bond measure for Stormwater and Water Quality projects; Proposition K which benefited parks and recreation programs for young people; police and fire bonds for public facilities; creation of the Grifith Park Festival of Lights; relocation of the Children's museum; emergency rehabilitation and improvement of the Los Angeles Zoo; coordination of the National League of Cities convention in Los Angeles; bringing the City Council's information technology into the 21st Century; Parker Center replacement; the Police Consent Decree; the downtown arena agreement; Los Angels River improvement and beautification plan; ethics legislation, and eleven balanced City budgets.

Mr. Deaton's dedication to public service was complimented by a sense of humor and his extraordinary ability to deal effectively, ethically and creatively with the challenges before him. He brought these qualities with him to the Department of Water and Power in 2004 when he was appointed to be the General Manager by the Mayor and confirmed by the City Council. In that capacity he initiated diversification of power generation resources; implemented significant infrastructure improvements and operational efficiencies; enhanced customer service and public outreach; and increased education programs for school children studying environmental issues.

A graduate of California State University at Long Beach, with a B.A. degree in Economics, Deaton holds an MBA degree from the University of Southern California. He and his wife, Ellery, whom he met at LADWP in 1965, reside in Seal Beach, California. Their family includes four grown children and ten grandchildren.

HONORING PINNACLES 100TH ANNIVERSARY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. FARR. Madam Speaker, I rise today to celebrate the 100th Anniversary of Pinnacles National Monument. The extraordinary geology of the landscape has captured the imagination of Central California homesteaders, ranchers, naturalists, and philanthropists since the 1800s. A remnant volcano, the Pinnacles Volcanic Formation of rocky fingers of stone, talus caves, and lofty cliffs create a stark contrast to the smooth rolling hills of the surrounding Gabilan Range.

More than 14,000 acres of congressionally designated wilderness together with its multiple ecological niches provides the best remaining refuge for floral and faunal species representative of the Central California Coast. Located within the Pacific Flyway migratory route, Pinnacles has the highest concentration of nesting Prairie Falcons of any National Park site, and provides a safe haven for 20 species holding special Federal or State status.

Pinnacles is the only National Park site within the ancestral home range of the California condor that releases and maintains this Nation's largest bird species. There are nearly 400 species of bees at Pinnacles, the highest known bee diversity per unit area of any place on Earth. The monument sustains a showcase example of chaparral, a unique miniature forest ecosystem that elsewhere in coastal California is losing ground to ever-increasing urban expansion.

Life flourishes in the protective shadow of this remnant volcano whose location along the San Andreas fault zone has carried it nearly 195 miles northward from its place of origin and contains the Nation's largest talus caves. Research on Pinnacles' geology has helped revolutionize the theory of plate tectonics.

In this landscape Pinnacles National Monument preserves natural and cultural resources whose stories are woven into the fabric of this Nation's history and heritage. On January 16, 1908, under the authority of the newly created Antiquities Act, Theodore Roosevelt proclaimed 2,080 acres of the Pinnacles National Forest Reserve as Pinnacles National Monument. Today Pinnacles covers over 26,000 acres across both Monterey and San Benito Counties. Surrounding lands are still grazed by cattle, ridden by cowboys and vaqueros, and farmed by descendants of the first settlers who homesteaded the region.

Madam Speaker, I know the Members of this House will join me in noting this important milestone for Pinnacles National Monument: a haven for solitude; a recreational getaway for climbers, hikers and lovers of open space; a springboard for personal journeys of enrichment; and a continuing reminder of America's history preserved for future generations to study and enjoy.

Daily Digest

HIGHLIGHTS

Senate passed S. 2499, Medicare/Medicaid/SCHIP Programs Extension.

Senate completed action on H.R. 2764, Department of State, Foreign Operations and Related Programs Appropriations Act (Omnibus).

Senate agreed to S. Con. Res. 61, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S15793–S15943

Measures Introduced: Twenty-four bills and twelve resolutions were introduced, as follows: S. 2495–2518, S. Res. 409–416, and S. Con. Res. 59–62. **Pages S15910–11**

Measures Reported:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2008''. (S. Rept. No. 110–250)

Special Report entitled ''The 2007 Joint Economic Report''. (S. Rept. No. 110–251)

H.R. 3571, to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

S. 901, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, with an amendment in the nature of a substitute.

S. 1551, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, with an amendment in the nature of a substitute. **Page S15909**

Measures Passed:

Commending Senator Trent Lott: Senate agreed to S. Res. 409, commending the service of the Honorable Trent Lott, a Senator from the State of Mississippi. **Pages S15794–15818**

Medicare/Medicaid/SCHIP Programs Extension: Senate passed S. 2499, to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs. **Pages S15834–43**

Adjournment Resolution: Senate agreed to S. Con. Res. 61, providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives. **Page S15935**

1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States: Committee on Foreign Relations was discharged from further consideration of S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States, and the resolution was then agreed to, after agreeing to the following amendments proposed thereto: **Pages S15935–36**

Pryor (for Biden) Amendment No. 3880, to strike a reference to the 2007 Free Trade Agreement and to add environmental protection to the list of bilateral goals that should be addressed by the United States and the Republic of Korea. **Page S15936**

Pryor (for Biden) Amendment No. 3883, to amend the preamble. **Page S15936**

Condemning Revolutionary Armed Forces of Columbia: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 53, condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release, and the resolution was then agreed to, after

agreeing to the following amendment proposed thereto: Page S15936

Pryor (for Nelson (FL)) Amendment No. 3881, to amend the preamble. Page S15936

Race Day in America: Senate agreed to S. Res. 410, designating February 17, 2008, as "Race Day in America" and highlighting the 50th running of the Dayton 500. Page S15936

Honoring Dr. Hector P. Garcia: Senate agreed to S. Res. 411, honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia. Pages S15936–37

Commending Appalachian State University Football Team: Senate agreed to S. Res. 412, commending the Appalachian State University Mountaineers of Boone, North Carolina, for winning the 2007 National Collegiate Athletic Association Division 1 Football Championship Subdivision (formerly Division 1-AA) Championship. Page S15937

Commending Wake Forest University Soccer Team: Senate agreed to S. Res. 413, commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men's Soccer National Championship. Pages S15937–38

National Stalking Awareness Month: Senate agreed to S. Res. 414, designating January 2008 as "National Stalking Awareness Month". Page S15938

Honoring William Karnet "Bill" Willis: Senate agreed to S. Res. 415, honoring the life and recognizing the accomplishments of William Karnet "Bill" Willis, pioneer and Hall of Fame football player for both Ohio State University and the Cleveland Browns. Page S15938

Recognizing United States Air Force: Senate agreed to S. Res. 416, recognizing the 60th anniversary of the United States Air Force as an independent military service. Pages S15938–39

Enrollment Correction: Senate agreed to S. Con. Res. 62, to correct the enrollment of H.R. 660. Page S15939

Essential Air Service Subsidies Extension: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 2260, to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008, and the bill was then passed. Pages S15939–40

Ernest Childers Department of Veterans Affairs Outpatient Clinic: Committee on Veterans' Affairs was discharged from further consideration of H.R. 366, to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic", and the bill was then passed, clearing the measure for the President. Page S15940

Internal Revenue Commissioner: Senate passed S. 2436, to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue. Page S15940

Child Soldiers Accountability Act: Senate passed S. 2135, to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, after agreeing to the committee amendment, and the following amendment proposed thereto: Pages S15941–43

Pryor (for Feingold) Amendment No. 3882, to exclude groups assembled solely for non-violent political association from the definition of an armed force or group. Page S15943

House Messages:

Department of State, Foreign Operations, and Related Programs Appropriations Act—House Message: By 76 yeas to 17 nays, 1 voting present (Vote No. 441), Senate concurred in House amendment No. 1 to the Senate amendment to the text of H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, after taking action on the following amendments proposed thereto: Pages S15830–34, S15843–88

Adopted:

By 70 yeas to 25 nays (Vote No. 439), McConnell motion to concur in the House Amendment No. 2 to the Senate Amendment to the bill, with McConnell Amendment No. 3874, to make emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008. Pages S15844–45, S15860–61

Withdrawn:

By 24 yeas to 71 nays (Vote No. 437), Feingold Amendment No. 3875 (to Amendment No. 3874), to provide for the safe redeployment of United States troops from Iraq. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). Pages S15845–53

By 50 yeas to 45 nays (Vote No. 438), Levin Amendment No. 3876 (to Amendment No. 3874), to express the sense of Congress on the transition of the missions of United States Forces in Iraq to a more limited set of missions as specified by the President on September 13, 2007. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). Pages S15853–60

By 48 yeas to 46 nays (Vote No. 440), Reid motion to concur in the House Amendment No. 1, to the Senate amendment to the bill, with Reid Amendment No. 3877, relative to AMT relief. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S15861–63**

During consideration of this measure today, Senate also took the following action:

By 44 yeas to 51 nays (Vote No. 436), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to concur in the House amendments to the Senate amendment to the text of the bill. **Page S15844**

Lott Tributes—Agreement: A unanimous-consent agreement was reached providing that tributes to Senator Lott in the Congressional Record be printed as a Senate Document and that Senators be permitted to submit statements in tribute until January 30, 2008. **Page S15935**

Lott Letter of Resignation—Agreement: A unanimous-consent agreement was reached providing that the Chair lay before the Senate the letter of resignation of Senator Trent Lott of Mississippi and that the letter be deemed read and spread upon the Journal. **Page S15943**

Nomination Confirmed: Senate confirmed the following nomination:

By a unanimous vote of 93 yeas (Vote No. EX. 442), John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Pages S15888–91

Messages from the House: **Pages S15906–07**

Executive Communications: **Pages S15907–09**

Executive Reports of Committees: **Pages S15909–10**

Additional Cosponsors: **Pages S15912–13**

Statements on Introduced Bills/Resolutions: **Pages S15913–21**

Additional Statements: **Pages S15903–06**

Amendments Submitted: **Pages S15921–34**

Authorities for Committees to Meet: **Pages S15934–35**

Privileges of the Floor: **Page S15935**

Record Votes: Seven record votes were taken today. (Total—442)

Pages S15844, S15853, S15860–61, S15863, S15888, S15891

Adjournment: Senate convened at 10 a.m. and adjourned at 12:10 a.m., on Wednesday, December 19, 2007 until 11:30 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S15943.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Mary Beth Long, of Virginia, to be an Assistant Secretary for International Security Affairs, and James Shinn, of New Jersey, to be an Assistant Secretary for Asian and Pacific Security Affairs, and Craig W. Duehring, of Minnesota, to be an Assistant Secretary for Manpower and Reserve Affairs, John H. Gibson, of Texas, to be an Assistant Secretary for Financial Management, both of the United States Air Force, all of the Department of Defense, and 720 nominations in the Army, Navy, and Air Force.

Prior to this action, committee concluded a hearing to examine the nominations of Mary Beth Long, of Virginia, and James Shinn, of New Jersey, both to be an Assistant Secretary, and Craig W. Duehring, of Minnesota, and John H. Gibson, of Texas, both to be an Assistant Secretary of the Air Force, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, and Francis P. Mulvey, of Maryland, to be a Member of the Surface Transportation Board, both of the Department of Transportation; Denver J. Stutler, Jr., of Florida, Nancy A. Naples, of New York, and Thomas C. Carper, of Illinois, all to be a Member of the Reform Board (Amtrak); and a promotion list in the United States Coast Guard.

Prior to this action, committee concluded a hearing to examine the nominations of Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, who was introduced by Senator Stevens, and Francis P. Mulvey, of Maryland, to be a Member of the Surface Transportation Board, both of the Department of Transportation and Denver J. Stutler, Jr., of Florida, who was introduced by Senator Martinez, and Nancy A. Naples, of New York, each to be a Member of the Reform Board (Amtrak), after the nominees testified and answered questions in their own behalf.

NON-TANK VESSEL OIL SPILLS

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine oil spills from non-tank vessels, focusing on threats, risks, and vulnerabilities, after receiving testimony from Admiral Thad Allen, Commandant, United States Coast Guard, Department of Homeland Security; Mary Glackin, Deputy Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration; Susan A. Fleming, Director, Physical Infrastructure Issues, Government Accountability Office; Mike Cooper, Washington State Oil Spill Advisory Council, Olympia; Dagmar Schmidt Etkin, Environmental Research Consulting, Cortlandt Manor, New York; and William G. Deaver, Totem Ocean Trailer Express, Federal Way, Washington.

NOMINATION

Committee on Energy and Natural Resources: Committee ordered favorably reported the nomination of Jon Wellinghoff, of Nevada, to be a member of the Federal Energy Regulatory Commission.

Prior to this action, committee concluded a hearing to examine the nomination of Jon Wellinghoff, of Nevada, to be a member of the Federal Energy Regulatory Commission, after the nominee, who was introduced by Senator Bingaman, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following:

S. 1189, to designate the Federal building and United States Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse'';

H.R. 735, to designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building'';

S. 862, to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building''; and

The nominations of Kristine L. Svinicki, of Virginia, and Gregory B. Jaczko, of the District of Columbia, both to be Members of the Nuclear Regulatory Commission.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Steven H. Murdock, of Texas, to be Director of the Census, Department of Commerce, after the nominee, who was introduced by Senator Hutchison, testified and answered questions in his own behalf.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Ondray T. Harris, of Virginia, to be Director, Community Relations Service, David W. Hagy, of Texas, to be Director of the National Institute of Justice, Cynthia Dyer, of Texas, to be Director of the Violence Against Women Office, and Nathan J. Hochman, of California, to be an Assistant Attorney General, who was introduced by Senator Coleman, all of the Department of Justice, and Scott M. Burns, of Utah, to be Deputy Director of National Drug Control Policy, after the nominees testified and answered questions on their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 63 public bills, H.R. 4774–4836; and 14 resolutions, H.J. Res. 71–73; H. Con. Res. 272; and H. Res. 883–892 were introduced. **Pages H16832–34**

Additional Cosponsors: **Pages H16834–35**

Report Filed: A report was filed today as follows: H.R. 1834, to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration, with an amendment (H. Rept. 110–311, Pt. 2). **Page H16832**

Speaker: Read a letter from the Speaker wherein she appointed Representative Solis to act as Speaker Pro Tempore for today. **Page H16645**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Monday, December 17th:

Veterans Guaranteed Bonus Act of 2007: H.R. 3793, amended, to amend title 37, United States

Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, by a 2/3 yea-and-nay vote of 405 yeas with none voting "nay", Roll No. 1176 and **Pages H16658–59**

Agreed to amend the title so as to read: "To amend title 37, United States Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, and for other purposes.". **Page H16659**

Expressing the unconditional support of the House of Representatives for the members of the National Guard: H. Res. 542, amended, to express the unconditional support of the House of Representatives for the members of the National Guard, by a 2/3 yea-and-nay vote of 408 yeas with none voting "nay", Roll No. 1180. **Page H16768**

Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007: The House agreed to the Senate amendment to the House amendment to the Senate amendment to H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, by a yea-and-nay vote of 314 yeas to 100 nays, Roll No. 1177. **Pages H16651–H16752**

H. Res. 877, the rule providing for consideration of the Senate amendment to the House amendment to the Senate amendment, was agreed to by a yea-and-nay vote of 215 yeas to 190 nays, Roll No. 1175, after agreeing to order the previous question by a yea-and-nay vote of 220 yeas to 187 nays, Roll No. 1174. **Pages H16657–58**

Committee Elections: The House agreed to H. Res. 885, electing the following Members to serve on certain standing committees of the House of Representatives: Committee on Agriculture: Representative Latta. Committee on Energy and Commerce: Representative Blunt (to rank after Representative Fossella). Committee on Foreign Affairs: Representative Wittman (VA). Committee on Science and Technology: Representatives Latta and Wittman (VA). **Page H16752**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Sudan Accountability and Divestment Act of 2007: S. 2271, to authorize State and local governments to divest assets in companies that conduct business operations in Sudan and to prohibit United States Government contracts with such companies, by a 2/3 yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 1179—clearing the measure for the President; **Pages H16753–60, H16767–68**

Terrorism Risk Insurance Program Reauthorization Act of 2007: Agreed to the Senate amendment to H.R. 2761, to extend the Terrorism Insurance Program of the Department of the Treasury, by a yea-and-nay vote of 360 yeas to 53 nays, Roll No. 1178—clearing the measure for the President; **Pages H16760–67**

Mortgage Forgiveness Debt Relief Act of 2007: Agreed to the Senate amendment to H.R. 3648, to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income—clearing the measure for the President; **Pages H16768–72**

Providing for the concurrence by the House in the Senate amendments to H.R. 3997, with an amendment: H. Res. 884, providing for the concurrence by the House in the Senate amendments to H.R. 3997, with an amendment, by a 2/3 yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 1181; **Pages H16772–88, H16795**

OPEN Government Act of 2007: S. 2488, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act)—clearing the measure for the President; and **Pages H16788,92**

U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007: Agreed to the Senate amendment to H.R. 3690, to provide for the transfer of the Library of Congress police to the United States Capitol Police, by a 2/3 yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 1182 —clearing the measure for the President. **Pages H16792–94, H16795–96**

Committee Resignation: Read a letter from Representative Wittman of Virginia, wherein he resigned from the Committee on Science and Technology, effective today. **Page H16792**

Committee Resignation: Read a letter from Representative Latta of Ohio, wherein he resigned from

the Committee on Science and Technology, effective today. Page H16792

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 15, 2008. Page H16796

Senate Message: Message received from the Senate today appears on page H16796.

Senate Referrals: S. 2499 was held at the desk. Page H16796

Quorum Calls—Votes: Nine yea-and-nay votes developed during the proceedings of today and appear on pages H16657–58, H16658, H16658–59, H16752, H16766–67, H16767–68, H16768, H16795, H16796. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:50 p.m.

Committee Meetings

CONSUMER PRODUCT SAFETY AND MODERNIZATION ACT; CAMERON GULBRANSEN KIDS AND CARS SAFETY ACT OF 2007

Committee on Energy and Commerce: Ordered reported, as amended, the following bills: H.R. 4040, Consumer Product Safety and Modernization Act, and H.R. 1216, Cameron Gulbransen Kids and Cars Safety Act of 2007.

The Committee also approved pending Committee business.

OVERSIGHT—LEGACY OF TRANS-ATLANTIC SLAVE TRADE

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held an oversight hearing on the Legacy of the Trans-Atlantic Slave Trade. Testimony was heard from JoAnn Watson, member, City Council, City of Detroit, Michigan; and public witnesses.

PRIVACY AND CYBERCRIME ENFORCEMENT ACT OF 2007

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 4175, Privacy and Cybercrime Enforcement Act of 2007. Testimony was heard from Andrew Lourie, Acting Principal Deputy Assistant Attorney General and Chief of Staff to the Criminal Division, Department of Justice; Craig Magaw, Special Agent, Criminal Investigative Division, U.S. Secret Service, Department of Homeland Security; Joel Winston, Associate Director, Division of Privacy and Identity Protection, Bureau of Consumer Protection, FTC; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 19, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, to hold an oversight hearing to examine the Federal Motor Carrier Safety Administration, focusing on truck driver hours-of-service (HOS) rules and truck safety, 10 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the nominations of Charles W. Larson, Jr., of Iowa, to be Ambassador to the Republic of Latvia, and Mary Ann Glendon, of Massachusetts, to be Ambassador to the Holy See, 9:30 a.m., SD–419.

Full Committee, to receive a closed briefing on Kosovo, focusing on future challenges, 11 a.m., S–407, Capitol.

Committee on the Judiciary: to hold hearings to consider the nomination of Mark R. Filip, of Illinois, to be Deputy Attorney General, Department of Justice, 10 a.m., SD–226.

House

Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight, hearing on the Extension of the United Nations Mandate for Iraq: Is the Iraqi Parliament Being Ignored? 10 a.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Enforcement of Federal Criminal Law to Protect Americans Working for U.S. Contractors in Iraq, 10:15 a.m., 2141 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Hot Sports—Venezuela, Australia, and Pakistan, 8:45 a.m., executive, briefing on NIE, 10 a.m., and, executive, to consider pending Committee business, 1 p.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled "After Bali—UN Conference and the Impact on International Climate Change Policy," 12 p.m., 2318 Rayburn.

Next Meeting of the **SENATE**

11:30 a.m., Wednesday, December 19

Senate Chamber

Program for Wednesday: Senate will be in a period of morning business.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for a party conference meeting.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, December 19

House Chamber

Program for Wednesday: To be announced.

Extensions of Remarks, as inserted in this issue

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