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House of Representatives

The House met at 10:30 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,
March 11, 2008.

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 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

COLOMBIA FACT OF THE DAY: COLOMBIA IS STOPPING LABOR VIOLENCE

Mr. WELLER of Illinois. Thank you, Madam Speaker.

Ladies and gentlemen of the House, today I rise to urge the Speaker of the House to bring forward the U.S.-Colombia Trade Promotion Agreement. I also ask my colleagues to support this agreement. It's an agreement that's good for America, it's good for my State of Illinois, and it's good for Colombia. In fact, the State that I represent, Illinois, is a big winner under the U.S.-Colombia Trade Promotion Agreement.

The International Trade Commission did an economic analysis. They said if you're an Illinois worker, an Illinois manufacturer, an Illinois farmer, you're a winner under this trade agreement. Corn, soybeans, pork, beef, manufactured metal products, chemicals, machinery, exports will go up. Why? Because right now Colombian products enter the United States duty-free, tariff-free, tax-free, but our products face tariffs. Caterpillar, the biggest employer in my district, 8,000 workers, their heavy construction equipment faces a 12 percent tariff. For a million-dollar piece of equipment, that's a $100,000 tax which would be eliminated immediately, day one, when this trade agreement would go into effect.

The bottom line is Illinois will be a big winner.

Now who is Colombia? To begin with, the democracy we know as Colombia, the oldest democracy in all Latin America, today is the United States' most reliable and trusted partner in Latin America. Its President, President Uribe, is the most popular elected official in the hemisphere. And while this Congress suffers from 15 percent approval ratings, President Uribe in his own country enjoys 80 percent approval ratings. Why? Because he's made a difference in reducing violence and winning the war against the FARC and the narcoterrorists. Today, 71 percent of Colombians say they are more secure under President Uribe. Seventy-three percent of Colombians say Uribe respects human rights. Homicides are down. Kidnappings are down. Today the murder rate in Colombia is the lowest in 15 years. In fact, Medellin, once considered one of the most dangerous cities in the world, today has a lower murder rate than Washington, DC, or Baltimore.

Now there are those who oppose President Uribe. There are those who oppose the trade promotion agreement between the United States and Colombia. They argue that President Uribe just has not done enough on the issue of labor and protecting labor leaders from violence. Well, let's look at the facts. Under President Uribe, he's totally reformed the judiciary, the entire institution. For the general prosecutor, he's added 2,166 new positions, including 418 new prosecutors and 545 new investigators, and increased funding for the general prosecutor, the federal independent prosecutor, by 75 percent. Carlos Rodriguez, president of the United Workers Confederation of Colombia, said about this: ''Never in the history of Colombia have we achieved something so important.''

I would note that President Uribe has also created special programs today to protect labor leaders. In fact, they spent almost $39 million this past year for body guards and protection for labor union members. There are 1,500 labor union leaders and activists who receive special protection, the second largest protected group in the entire country, and this program has been successful. In fact, no labor leader has lost their life who's been under this protection program. In fact, the murder rate, which is a terrible thing, for labor and union activists is lower than the national rate for everyone else. So tremendous progress has been made.

The International Labor Organization has removed Colombia from its labor watch list. Colombia has agreed to a permanent ILO representative in Colombia, and 14 labor union leaders representing 14 labor unions in Colombia have endorsed this agreement.

Now we continue to hear from opponents and they are really the people who have always traditionally opposed trade and so they've got a different line today, but they always say that President Uribe still has not done enough, we need to demand more, but they never specifically say what more they

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want. Clearly, President Uribe has done a lot, a tremendous amount, and he has made real progress.

As we have seen this past week, there is a lot happening in Latin America. Colombia, of course, has been fighting the FARC and other terrorists and narcotrafficking groups over the last three and four decades and they've made tremendous progress under President Uribe. We know the FARC in particular are the biggest leftist, antigovernment narcotraffic and terrorist group. They fund themselves by the sales of narcotics. It was recently uncovered, we discovered the links between Hugo Chavez of Venezuela and the FARC, possibly $300 million in subsidies, long suspected but now proven.

The bottom line is the Colombia agreement is good for democracy, it's good for America, it's good for workers, and it's good for manufacturing. I urge this Congress to bring it up for a vote and let's pass it.

LIVABLE COMMUNITIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning-hour debate for 5 minutes.

Mr. BLUMENAUER. Thank you, Madam Speaker.

In a couple of hours, the House of Representatives will be dealing on the suspension calendar with House Resolution 936, a commemoration of the 200th anniversary of the Gallatin plan. This historic effort was a plan commissioned by President Thomas Jefferson, led by his Secretary of the Treasury, Albert Gallatin, to design a system to knit together a ragtag group of 13 colonies into a transcontinental nation. It focused on transportation, on waterways, it planted the seeds for what would ultimately become the transcontinental railroad, and actually unleashed a pattern that carried through to the national park system, the hydro system and, indeed, the national interstate highway system signed into law by President Eisenhower.

Today's commemoration comes at a critical time, for just as Albert Gallatin did something important for the founding of our Nation, today America's infrastructure is falling apart. The American Society of Civil Engineers rates our infrastructure at a D-minus. It's one of the reasons our economy is in decline. We're losing the competition to Europe, to Asia. China is investing nine times as much of their national output as we are in infrastructure. And at a time of $110 a barrel oil, will $4 a gallon gasoline be far behind?

We live in a carbon-constrained, water-stressed environment with an imperative need to rebuild and renew America. It is time to celebrate this historic vision which helped build America for much of the first two centuries of our existence. It is critical that we remain true to that tradition, but today infrastructure means more than just roads, bridges, waterways and canals. We're talking about railroads, aviation, power transmission lines, pipelines, indeed the green infrastructure, the network of environmental, park and open space that means so much to the protection of the environment and clean air.

It is time for us to craft a new plan, a vision for this century, one that takes into account global warming, rising energy prices, the change in demographics and the knowledge that we know today about how to put the pieces together. Renewing and rebuilding America ought to be something that people on both sides of the aisle can agree with, that we can unite behind a vast coalition that includes the Garden Club, the Sierra Club, organized labor and business, the professions, local government and environmental activists to make sure that we're putting the pieces together appropriately today, that we have the resources, the vision, the partnership that will make livable communities for all of our families, where they will all be safer, healthier and more economically secure.

I look forward to the debate today on the Gallatin plan and the commitment of an infrastructure vision for this century.

VENEZUELA: A STATE SPONSOR OF TERRORISM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. MACK) is recognized during morning-hour debate for 2 minutes.

Mr. MACK. Madam Speaker, last week our allies in Colombia struck a blow for freedom against the terrorist organization known as the FARC. As we all know, the FARC supports its war against our friends in Colombia through drug trafficking, kidnappings, and the murder of innocent civilians. While Venezuelan President Hugo Chavez has been vocal in his support of the FARC and his opposition to the United States and Colombia, it is now clear that Chavez is increasingly intertwined with the FARC and is now giving aid and comfort to terrorist organizations.

During last week's raid in Ecuador, the Colombian authorities recovered records that clearly show that Chavez has been giving the FARC millions of dollars, weapons, and safe passage in Venezuela. Last night, published reports indicate that the Bush administration has taken the first steps towards naming Venezuela as a state sponsor of terrorism because of its support of terrorist organizations just like the FARC.

I am pleased that the Bush administration has initiated the process of including Venezuela on the list with the likes of Iran, Cuba and North Korea. Madam Speaker, the time has come to once and for all take the steps that will cripple the ability of the Chavez regime to fund its terrorist friends and allies. By adding Venezuela to the list of official state sponsors of terrorism, we will help do just that. Furthermore, Congress must act now on the Colombian Free Trade Agreement to promote freedom and prosperity in the region. By passing the Colombian Free Trade Agreement, we will show our allies we stand with them and against the tyranny of Hugo Chavez.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 2008.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to seek your support in standing against Venezuelan President Hugo Chavez and his support for terrorist groups in our hemisphere by designating Venezuela a state sponsor of terrorism.

Last weekend, our allies in Colombia struck a blow for freedom against the internationally-recognized terrorist organization known as the Revolutionary Armed Forces of Colombia (FARC). The FARC supports its war against our friends in Colombia through drug trafficking, kidnappings, and the murder of innocent civilians. And, as you are aware, the FARC has expanded their war in Colombia to specifically target the United States by their holding of three Americans as hostages. The attack last weekend which occurred in Ecuador, about a mile from the Colombia-Ecuador border, killed Raul Reyes who was a leader of the FARC terrorist organization.

While Venezuelan President Hugo Chavez has been quite vocal in his support of the FARC and his opposition to the United States and Colombia, it is now abundantly clear that Mr. Chavez is increasingly intertwined with the FARC and is now giving aid and comfort to international terrorist organizations. During last week's raid in Ecuador, the Colombian authorities recovered several laptop computers and records belonging to Mr. Reyes. Reports indicate that included in those laptops and papers is evidence that Mr. Chavez has given the FARC hundreds of millions of dollars, weapons, and safe passage and haven in Venezuela.

According to our State Department, ''. . . state sponsors of terrorism provide critical support to non-state terrorist groups. Without state sponsors, terrorist groups would have much more difficulty obtaining the funds, weapons, materials, and secure areas they require to plan and conduct operations.'' While Venezuela previously has been certified by our Secretary of State as ''not fully cooperating'' with our counterterrorism efforts, it is increasingly evident that Venezuela now qualifies to be designated as a ''state sponsor of terrorism.''

Designating a country that repeatedly provides support for international terrorists, like the FARC, imposes certain United States government sanctions such as a ban on arms-related exports and sales and the imposition of economic and financial restrictions. Other countries which have been designated as state sponsors of terrorism and which are good friends of President Chavez include Cuba and Iran.

As you are aware, President Chavez has repeatedly threatened to cut off shipments of oil to the United States. As I have said to you before, we cannot be held as an economic hostage to the whims of tyrants, thugs, and dictators like President Chavez and his anti-American allies such as Iranian President Mahmoud Ahmadinejad. Designating Venezuela and the Chavez regime as a state sponsor of terrorism would likely mean an end to Venezuelan oil until there is regime

change there. However, now is the time for us to stand against President Chavez and for the United States government to firmly protect our nation and our economy against an oil war with Venezuela and its allies. That is why I have called for having proactive policies in place, such as increasing our Strategic Petroleum Reserve. I believe that it is in our national security interest to begin increasing our Strategic Petroleum Reserve in order to replace Venezuela's supply to the United States. By doing this, we will let the markets know that the United States government will protect the American people from those who sponsor terrorism and would use oil as an economic and political weapon against our nation.

The FARC is despised across Latin America and many Venezuelans are openly denouncing President Chavez for his alliance and open support of a terrorist organization. In President Chavez's effort to take the focus off of his failed domestic policies and his recent loss in the December referendum, Mr. Chavez is increasingly trying to create an international crisis with neighboring Colombia and he is seeking to destabilize all of Latin America. We must recognize this gathering storm and must stop Mr. Chavez in his tracks by designating Venezuela as a state sponsor of terrorism. By taking this prudent step, we will be standing against President Chavez and his menacing alliances and we will be defending the people of the region against a dangerous thug and dictator in Latin America.

Thank you for your consideration.

Sincerely,

CONNIE MACK,
Member of Congress.

RECOGNIZING CAL STATE FULLERTON ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from California (Mr. ROYCE) is recognized during morning-hour debate for 3 minutes.

Mr. ROYCE. Thank you, Madam Speaker.

I would like to take this opportunity to recognize my alma mater, California State University, Fullerton as it celebrates its 50th anniversary. In 1957, California State University, Fullerton was founded by an act of the California legislature. The enrollment at that time consisted of 452 students when those first classes were offered in leased quarters at Sunny Hills High School prior to the college moving to the temporary buildings that became a permanent site in 1960 in Fullerton. Half a century after its founding, more than 185,000 graduates have successfully developed careers in hundreds of industries.

Each year, more than 36,000 students attend classes at Cal State Fullerton, choosing from 105 different degree programs including 55 undergraduate, 49 graduate and a doctorate in education at eight distinct colleges: Arts, Business and Economics, Communications, Education, Engineering and Computer Science, Health and Human Development, Humanities and Social Sciences, and Natural Sciences and Mathematics, all of which provide an outstanding education to the students.

Its studies have led students to careers in teaching, nursing, business, the arts, communications, health care, engineering, sports, the sciences and more. Cal State Fullerton graduates have gone on to successful careers and their impact is felt not only in the State of California and the Nation but throughout the world. Among these graduates are Academy Award-winning actors and screenwriters, television news reporters, Pulitzer Prize-winning journalists, successful novelists, doctors, lawyers, judges, teachers, professional athletes, entrepreneurs, scientists and business leaders and even a NASA astronaut who served on the crew of the Space Shuttle Endeavor that launched into space in August of 2007.

Cal State Fullerton's student body also reflects the diversity of the State of California. As one of the most diverse campuses in the State and in this Nation, the university welcomes students of different ethnic groups, cultures and religions. In fact, many of these students are the first in their families to earn a university diploma.

The university received full accreditation from the Western College Association in 1961 and Cal State Fullerton now holds 14 national accreditations and associations. In addition, ''Titan Pride'' has been the rallying cry for 12 national team championships in seven different sports.

Finally, Cal State Fullerton is known for its distinguished faculty, many of whom have garnered international and national reputations in their respective fields.

It is with great pride that I recognize Cal State Fullerton for 50 wonderful years.

RECESS

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

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. SUTTON) at noon.

PRAYER

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

Lord God of the universe and eternal Creator, this morning, long before dawn, the space shuttle *Endeavor* lifted from the surface of the Earth to find orbit in space. This exploratory journey into the beyond to the international space station is designed to be the longest shuttle mission in history.

Lord, guide and protect the seven astronauts as they work to expand building in space and prepare for future scientific discoveries. Help the United States to remain a leader in encouraging the development of technology, space medicine, architecture, and understanding that will better human life on Earth and life in this universe.

May this global mission, with its Japanese component of the Kibo laboratory and the Canadian robotic device called Dextre become splendid additions to the international space station and inspire young people to study science and to build global harmony.

In You, O Lord, we build trust, and with You, O Lord, we uncover the mysteries of the universe, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New Mexico (Mrs. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mrs. WILSON of New Mexico led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a bill of the following title in which the concurrence of the House is requested:

S. Con. Res. 66. Concurrent resolution commemorating the 175th anniversary of the commencement of the special relationship between the United States and the Kingdom of Thailand.

CONGRESS IS TAKING ACTION TO STRENGTHEN ECONOMY AND CREATE JOBS

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

Mr. WALZ of Minnesota. Madam Speaker, this Congress has finally understood and is realizing what the American people have known for so long, that after 6 years of mismanagement of our economy by the Bush administration that our economy has failed America's working class.

This Congress is working to change that, having already passed a bipartisan economic stimulus package that will help jump-start the economy and create up to half a million new American jobs. Later this spring, recovery rebate checks of hundreds of dollars will be in the hands of 130 million

Americans. Most will use it to pay bills, but hopefully some will help to spend it on the economy. Late last month we passed an energy bill that will help create hundreds of thousands of high-paying green collar jobs, lower energy prices, and reduce our dependence on foreign oil. And to address the housing crisis, we expanded affordable mortgage loan opportunities, strengthened consumer protection against risky loans, and raised loan limits to increase liquidity in the mortgage market.

Madam Speaker, this Democratic Congress is working to create more jobs, jump-start our economy that has clearly stalled. We are committed to addressing those issues that affect America's working class, not just the top 1 percent.

SUPPORT VICTORY IN IRAQ

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

Mr. WILSON of South Carolina. Madam Speaker, today I have introduced a resolution calling on Congress to recognize and embrace the success we have seen on the ground in Iraq and dedicate ourselves to support these efforts in achieving victory.

I have visited our troops in Iraq nine times. I have seen firsthand the success of the surge. While meeting with General David Petraeus last week in Baghdad, he reported an over-60 percent reduction in violence, with al Qaeda on the defense in Anbar province.

The success our military men and women and people of Iraq have achieved is real. The best way to protect American families is to stop terrorists overseas. The best way to end the war is through victory. We, as representatives of the American people, must put aside politics and recognize what is at stake in Iraq. As my resolution states: ''Congress must support the idea that the war in Iraq is not lost'' and that it ''will do all it can to ensure coalition victory.''

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

FISA

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

Mr. YARMUTH. Madam Speaker, House Democrats are fully committed to ensuring that the FISA law is focused on giving the intelligence community the tools it needs to protect our national security at the same time protecting the constitutional rights of innocent Americans.

We've already passed the RESTORE Act, which modernizes FISA, to address these two critical needs. Today, congressional leaders continue to negotiate differences between our bill and a bill passed by the Senate earlier this year. If congressional Republicans were really concerned about our Nation's national security, you would think they would be sitting at the negotiating table ensuring their concerns are addressed. They've been asked to join the talks, but to date they have refused.

And National Intelligence Director Mike McConnell says that the President is holding up the legislation in order to get blanket immunity for the telecommunications industry.

Madam Speaker, congressional Democrats are committed to strengthening our intelligence community to keep our country safe. And we urge Republicans to put aside partisan politics and work with us on this important piece of legislation.

FISA AND THE HOUSE DEMOCRATIC LEADERSHIP

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

Mrs. WILSON of New Mexico. Madam Speaker, my colleague from Kentucky has just raised an important point, which is that we need to revise the Foreign Intelligence Surveillance Act. But I think he's a little misinformed.

He says that there are bipartisan negotiations going on. The Speaker hasn't even appointed conferees. You can't even have negotiations with the Senate. The negotiations are going on between the Democrat leadership and the conservative Democrats that want to pass a bipartisan Senate bill and have written a letter to your leadership about it.

We are now on day 25 when we have had the Protect America Act expire. All we need to do is to be able to listen to foreigners in foreign countries without a warrant. The Senate bill has unprecedented protections for Americans' civil liberties, more than are in the 1978 law that all of us in this House support. But, instead, the liberal Democratic leadership is blocking the will of the majority of this House.

It is time for Democrats to stand up to your own leadership and demand that the protection of this country is more important than special interest groups that have a hold on the Democratic leadership.

Security must come first.

ECONOMIC UNCERTAINTY LEAVES AMERICAN FAMILIES STRUGGLING TO MAKE ENDS MEET

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

Mr. SIRES. Madam Speaker, during these uncertain economic times, American families are struggling to make ends meet.

Consider that oil and gas prices are at an all-time high. Health care costs continue to skyrocket out of control, leaving more Americans either uninsured or underinsured. Food prices recently experienced their biggest price increase in more than 3 years. If all that is not bad enough, the U.S. economy lost 63,000 jobs last month. The February jobs numbers are the latest sign that economic growth has virtually stalled.

President Bush has the dubious distinction of being tied with his father as the two Presidents with the worst jobs record since the Great Depression.

Madam Speaker, congressional Democrats are working hard to strengthen the American economy and create jobs. We worked in a bipartisan fashion on the economic stimulus package that will not only help hard-working Americans pay their bills but will also jump-start our economy and create 50,000 new jobs in America.

This was the only the beginning. Strengthening our economy remains a top priority for this Democratic Congress as we move through this year.

URGING PASSAGE OF THE SENATE FISA BILL BEFORE EASTER RECESS

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

Ms. GRANGER. Mr. Speaker, today is day 25 since the Democrat majority let the bipartisan Protect America Act expire, leaving our intelligence community without the full range of resources necessary to monitor foreign targets and leaving our country in danger.

It's truly disappointing that the strong bipartisan Senate bill might not be considered by the House before we go into a 2-week Easter recess period. Our intelligence community needs a long-term fix for the gaps in our intelligence laws, not short-term Band-Aids or political holdups.

Senator JOHN ROCKEFELLER, chairman of the Senate Intelligence Committee, after the bill passed the Senate a few weeks ago, said: ''This is the right way to go in terms of the security of our Nation.''

In the House, 21 Democrats have urged the Speaker to support the Senate-passed bill, and the House Republican conference supports the Senate bill. The support for the bipartisan Senate bill is strong and continuing to grow. Now is the time to act to provide our intelligence community all the tools necessary and to provide important retroactive liability protection that our telecommunications companies deserve when we ask for their help.

I urge the House to pass the Senate FISA bill before we leave this week. Anything short of passage is an unfortunate and dangerous risk.

DEMOCRATIC BUDGET IS FISCALLY RESPONSIBLE BUT ALSO FUNDS CRITICAL PRIORITIES

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

Mr. BUTTERFIELD. Mr. Speaker, this week the House will consider a Democratic budget that will strengthen our economy and make America safer. After years of devastating cuts by the Bush administration, our budget is fiscally responsible, while also ensuring that we invest in the American people's priorities.

At a time of economic uncertainty, the Democratic budget rejects President Bush's cuts to Medicare and Medicaid, while also adding $4.9 billion for veterans health care.

Despite the President's repeated vetoes of our legislation to ensure that 10 million children have access to health care, our budget accommodates the $50 billion that would be needed over the next 5 years to make this goal a reality. We're still hopeful that enough Republicans will join us in overriding the President's ill-advised and noncompassionate veto.

Mr. Speaker, the Democratic budget is able to address all of the health care needs while balancing the budget by 2012 without raising taxes.

EARMARKS

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

Mr. KIRK. Mr. Speaker, I am the first House appropriator to swear off earmarks and join 32 of my colleagues, including Senators FEINGOLD and MCCAIN, as well as Chairman WAXMAN and Leader BOEHNER. I'm told that Senators CLINTON and OBAMA are considering supporting this effort.

The Constitution put the spending power in the House, and I used this to support my district. But like other powers, this congressional power could be abused; and, increasingly, we approve low- or no-quality spending to win approval for our own community: you get yours, I get mine, and the kids get the bill.

No more for this appropriator. We should ask: Should the taxpayers pay for a $320 million bridge to connect a town of 8,000 to an island, population 50? No.

Should the taxpayers spend $243,000 on Chez Panisse to create a gourmet organic school lunch program featuring ''Comte cheese souffle with mache salad'' or ''Meyer lemon eclairs with huckleberry coulis''? No.

Common sense says we should put an end to such spending. I would urge the House to enact the Wolf-Kingston reforms with a moratorium on earmarks.

□ 1215

PRESS AND PUBLIC ARE NOT BUYING INTO SCARE TACTICS OF BUSH AND REPUBLICANS

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

Ms. WATSON. Mr. Speaker, it is clear that no one is buying into the scare tactics created by the President and some Republicans regarding the expiration of the President's Protect America Act. Newspapers around the country are rightfully asking Republicans that if this law were so crucial to national security, why did they oppose an extension of it last month?

The Saint Louis Post-Dispatch called this intimidation and ''fear mongering at its most craven.'' The Oregonian wasn't fooled by the President's political actions, writing: ''If the Protect America Act is as crucial as he says it is, then he is taking a terrible gamble with the safety of his country's citizens.'' The Palm Beach Post recognized that ''political distraction'' is more important to this administration than the law. They wrote, ''The law that Mr. Bush and some Republicans say is vital could have been extended for 3 weeks. Instead, they let it die.''

Mr. Speaker, House Democrats are serious about passing a strong FISA law that provides our intelligence community with the tools necessary to protect our national security, and we urge congressional Republicans and the White House to join us at the table.

FISA AMENDMENTS ACT

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

Mr. KUHL of New York. Mr. Speaker, I rise today in support of the FISA Amendments Act, a bipartisan piece of legislation to modernize the Foreign Intelligence Surveillance Act of 1978.

It is imperative that we provide our intelligence community with the tools it needs to conduct surveillance on foreign terrorists without getting tied up in the courts, and this bill would do just that. The Senate passed this bipartisan legislation almost a month ago, but the House leadership has irresponsibly refused to bring up this bill, which is critical to our Nation's security.

I have chosen to cosponsor the measure because I believe that in today's world, we cannot shortchange our ability to confront emerging and ongoing threats. Therefore, I urge the majority to bring this crucial legislation to a vote.

THE BUSH ADMINISTRATION NEEDS TO LISTEN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, if you ask Mr. and Mrs. America who are in the rural hamlets and the urban cities across America, they will tell you whether there is a recession or not. If you ask the automobile dealers, the home builders, if you ask the individuals who are attempting to put their children through college or even to make ends meet, they will tell you that bad news is already here; 63,000 jobs were lost last month.

I am glad the Democrats are taking the opportunity to strengthen our economy and create jobs. Democratic leaders last week held a second economic forum. The forum convened national experts and talked about how we can create jobs. The New Direction Congress has already passed a bipartisan economic stimulus of which thousands of Americans will be receiving a payment because of the leadership of our Democratic majority. We are helping to create 500,000 jobs. But it is well to recognize that this administration just last month lost 63,000 jobs.

What we need to do is bring our troops home, lower health care costs, and increase health care quality. We need to vote in the CHIP bill and stop the President's veto. We need to ensure that we lower energy prices through alternative fuels by creating hundreds of thousands of new green jobs. We have got to make college more affordable and K–12 classrooms more successful.

We can empower America with our own initiative and our own genius. But we cannot do it if we have an administration that doesn't listen. Sixty-three thousand jobs lost tells the story, and Mr. and Mrs. America say, ''wake up and provide an opportunity for Americans.'' They want the Democrats to lead and to be able to create the opportunity for the economic engine that will save jobs and create jobs.

NATIONAL MULTIPLE SCLEROSIS AWARENESS WEEK

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

Mr. BURGESS. Mr. Speaker, this week, March 10–17, is National Multiple Sclerosis Awareness Week. The goal of this annual event is to raise awareness of this disease for those individuals and their families who are impacted by it.

Every hour in the United States, someone new is diagnosed with MS. It is a chronic, often disabling disease that attacks the central nervous system. Many Americans know a person living with multiple sclerosis, a mother or father, a son or daughter, another family member or friend, or even a colleague.

For me, it was a member of my staff. This brave and strong woman inspired me to get more involved in the battle to live in a world free of multiple sclerosis. As a medical doctor prior to coming to Congress, I'm working here to find sensible solutions for the health care challenges that Americans face. As the cochair of the newly formed Congressional Multiple Sclerosis Caucus, I intend to bring the needs of those individuals into the larger discussion of quality health care.

Mr. Speaker, we must work together to improve access to quality health

services, to break down barriers, and to make MS therapies more affordable. I ask other Members of the House to join me in this noble cause. We must always remember that behind every statistic is the face of a family member or friend. We have a shared responsibility to offer help and hope. There is no better time than now to begin offering it.

THE PRESIDENT'S BUDGET IS INADEQUATE

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

Mr. PAYNE. Mr. Speaker, during the first 6 years of the Bush administration, the President and congressional Republicans squandered away large budget surpluses that were left to them by the Clinton administration; yet they failed to properly fund key national priorities. Again this year, the Bush administration proposed a budget that ignores the real needs of American people, particularly at a time of such economic uncertainty.

This week, congressional Democrats will bring a budget to the House floor that fully funds Medicare and Medicaid, the health care programs for the Nation's most vulnerable people, including our children and our seniors. Unlike the President's budget, our budget fully invests in environmental protection and low-income heating programs such as LIHEAP so that low-income families, including those in my district in New Jersey who are facing skyrocketing home heating bills this winter, will receive some much-needed assistance. We also fully invest in the COPS program so that we can better protect our streets against crime.

Mr. Speaker, we do all of this without raising taxes by one single penny. This is a well-crafted budget, and it deserves strong bipartisan support.

SUPPORT THE FISCALLY RESPONSIBLE REPUBLICAN BUDGET

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

Mr. DAVID DAVIS of Tennessee. With gas prices soaring to all-time high records, families in east Tennessee and all across America are struggling to make their ends meet. The Democratic budget resolution fails to meet the test of fiscal responsibility miserably. Instead of exercising fiscal restraint and lowering taxes, the Democrat budget raises taxes by over $683 billion over the course of 5 years. You heard me correctly, $683 billion over the next 5 years. This is the largest tax increase in American history, and it blows away the previous tax increase record in 1993 by $443 billion. Families in east Tennessee will be forced to pay over $2,611 in new taxes because of the Democrat budget.

I am supporting the Republican budget which addresses the bloated government in Washington, lowers taxes on struggling citizens and families, addresses the unfunded liabilities of Social Security and Medicare, and reins in the out-of-control spending here in Washington.

I ask my colleagues to join me in supporting the fiscally responsible Republican budget.

PRESIDENT VETOES INTELLIGENCE AUTHORIZATION BILL

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

Mr. MORAN of Virginia. Mr. Speaker, I would like to say a word about the President's veto of the congressional ban on torture. By vetoing this measure, he is essentially instructing America's torturers to act in a way that is illegal according to international law, to act in a way that is wholly inconsistent with the military's code of conduct who are required to abide by the Army Field Manual, to act in a way that does not consistently provide reliable information because people being tortured tell their torturer what they know they want to hear so as to stop the torture. They know it is not the most effective means of acquiring information.

He also must know that this puts our own soldiers and civilians in much greater jeopardy because our enemy will consider it license to do at least as much as we do to them. But, most importantly, it undermines our moral authority. How far we have strayed from the vision of our Founding Fathers that this Nation would serve as a moral guidepost to the rest of the world. We should override this misguided Presidential veto because it is both illegal and, most importantly, it is immoral and un-American.

TIME FOR HEALTH CARE INDUSTRY TO JOIN TECHNOLOGY REVOLUTION

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to congratulate Village Health Partners of Plano, Texas, for receiving the 2007 Davies Award of Excellence by the Health Care Information and Management System Society. Since 1994, the Davies Award has nationally recognized excellence in the use of health information technology. Dr. Christopher Crow and his partners decided to use technology to revolutionize how they practiced medicine. It took their office 3 short months to go from paper charts to completely paper-free. Using this technology has given these doctors the tools to track the quality of care they provide their patients. In just 1 year these physicians have seen the dramatic impact this technology has had on the lives of their patients.

As all of my colleagues know, our health care system is in need of some serious reform, and I believe that bringing every doctor's office, hospital, and medical record into the 21st century is a great start. Just look at the success that we have had in Plano.

As Congress continues to debate health care reform, I look forward to working with my colleagues on proposals that will encourage more of the health care industry to join the technology revolution. The time is now.

THE BUDGET

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

Mr. DEFAZIO. Well, we're hearing the howls from the Republican side. Their fat-cat supporters might be forced to pay a fair share of taxes in the future, millionaires and billionaires who today are paying taxes at a rate less than that of your average schoolteacher or an Army captain. They say that that's the secret for a strong economy. Those hedge fund managers on Wall Street are doing such a great job, the people who brought us the financial meltdown for the United States of America that's hurting average people while these people are still cruising in their yachts and building their seventh and eighth homes in exotic places around the world. They need those tax cuts. That's the nostrum for a failing economy: tax cuts, tax cuts, tax cuts for rich people.

No, how about tax fairness and how about dealing with a sea of red ink in this country. You can't do it without asking the wealthiest among us to pay their fair share. And restoring some programs that are important to the middle class. Yeah, that's right. The rich people don't need roads that are up to standard because they're in the back seat of a chauffeur-driven limousine. They don't care if they sit in traffic for a long time. They're in their private jet. They're in their walled community. What do they need for public safety? Their kids go to private schools. What do they care about public education? And, hey, they don't have to worry about the cost of health care. That's the Republican world. We're going to change that with this Democratic budget.

FISA

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

Mr. MCCAUL of Texas. Mr. Speaker, nearly 4 weeks have passed since the Protect America Act expired, and for 4 weeks our intelligence community has gone dark around the world. For 4 weeks, we are missing critical intelligence from foreign terrorists to better protect this Nation.

Mr. Speaker, this is a dereliction of duty. The most solemn obligation we have in the House is to protect the

American people; yet we have allowed this act to expire. A bipartisan bill has passed in the Senate; yet we in the House are denied democracy and the opportunity to have the people vote for this important legislation that will protect Americans.

I applied for FISA warrants in the Justice Department. This statute was never intended to apply to foreign terrorists in foreign countries. In fact, what we are doing is extending constitutional protections to foreign terrorists like Osama bin Laden. This turns the statute on its head; yet we have a majority leader who says there's no urgency. The chairman of Intelligence says we'll be just fine. It reminds me of an FBI agent who warned before 9/11, frustrated about the intelligence gap, ''Someday someone will die. The public will not understand why we were not more effective at throwing every resource we had at certain problems, especially since the biggest threat to us now is Osama bin Laden and he is getting the most protection.''

I urge this Congress, this House, and the Democratic leadership to pass the Senate bipartisan bill and make the Protect America Act permanent.

FISA

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

Mr. GOHMERT. Mr. Speaker, FISA is a major issue. Great nations in history have failed and been defeated by becoming soft from within. I see dangers of doing that here.

I know that my colleagues across the aisle, the 170 or so who did not support FISA being passed into law last August, are very compassionate people. I've seen the hurt in your eyes. I've seen how it troubles your soul when you see people hurting and killed and maimed. What we're asking here is to do the intelligence and allow the intelligence community to protect us so we don't have to experience the horror of seeing Americans killed and maimed.

We're losing valuable intelligence every day that we do not pass this important, valuable bill. The proposal was made, let's just keep extending it a week at a time. You cannot do extensive intelligence on a week-to-week basis. We cannot put our country at risk. This House has other things planned today other than this critical issue that could be a nation-saving measure.

MOTION TO ADJOURN

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion to adjourn.

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

Mr. GOHMERT. 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 20, nays 364, not voting 44, as follows:

[Roll No. 111]

YEAS—20

Bishop (UT)	Johnson (IL)	Renzi
Calvert	King (IA)	Shuster
Coble	Marchant	Tancredo
Davis, David	McCaul (TX)	Whitfield (KY)
Doolittle	Pearce	Wilson (SC)
Gohmert	Radanovich	Young (AK)
Gordon	Reichert	

NAYS—364

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

NOT VOTING—44

Allen	Markey	Ros-Lehtinen
Bean	Marshall	Royce
Blackburn	Meek (FL)	Rush
Boustany	Mitchell	Schiff
Brown-Waite, Ginny	Myrick	Smith (WA)
Davis, Lincoln	Neal (MA)	Souder
Drake	Oberstar	Stark
Higgins	Obey	Thompson (MS)
Hooley	Pence	Udall (CO)
Jones (OH)	Peterson (PA)	Weiner
Kilpatrick	Poe	Weldon (FL)
Kline (MN)	Pryce (OH)	Wexler
LaHood	Rahall	Woolsey
Mahoney (FL)	Rangel	Wynn
	Rohrabacher	Young (FL)

□ 1257

Messrs. ROSKAM, BROUN of Georgia, Mrs. EMERSON, Messrs. ISSA, CARTER, MATHESON, JORDAN of Ohio, McHUGH, NUNES, MELANCON, SULLIVAN, ROGERS of Kentucky, KINGSTON, SMITH of Texas, RUPPERSBERGER, GINGREY, WAMP, HASTINGS of Florida, AKIN, SHIMKUS, BARTLETT of Maryland, BURTON of Indiana, Ms. ESHOO, Messrs. FLAKE and TOM DAVIS of Virginia changed their vote from ''yea'' to ''nay.''

Mr. MARCHANT changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote 111, on motion to adjourn, I would have voted ''nay.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

AUTHORIZING BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION TO CONSTRUCT A GREENHOUSE FACILITY

Ms. MATSUI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5492) to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5492

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

SECTION 1. CONSTRUCTION OF GREENHOUSE FACILITY.

The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $12,000,000 to carry out this Act. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. MATSUI. Mr. 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 resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5492, which is a bill to authorize appropriations for the Smithsonian for constructing of replacement greenhouses.

Mr. Speaker, the Smithsonian is widely renowned as a national treasure. Many of our constituents come from all over the country to visit its museums. There they can explore our culture, learn about our achievements, and view pieces of our history.

But the Smithsonian is much more than a keeper of artifacts. It has nine research facilities and is a leader in scientific research. The Horticulture Services Division provides a wide variety of services internally to Smithsonian museums, and more generally to the public through the Smithsonian's public gardens.

The Smithsonian has leased a 55,000-square-foot greenhouse complex for its horticultural operations since 1974. It is currently located on the property of the Armed Forces Retirement Home in Northwest Washington, DC.

The complex includes 12 greenhouses, an office for administrative and logistical functions, and a shade house. These greenhouses produce the institution's world-class orchid collection. They also provide space to grow a wide variety of plant materials for exhibits, gardens, and special events which would be costly or impossible to obtain commercially.

The greenhouses allow the Smithsonian resources equal to, if not surpassing, any other botanical institute in the world.

The greenhouse employees do this work with limited human resources. As true to most Smithsonian endeavors, the greenhouse staff is assisted in large part by a group of dedicated volunteer staff members. During fiscal year 2007, over 4,500 hours of time were donated by these individuals. Their commitment to the greenhouse facilities' programs is evident from their dedication, some of whom have donated over 25 years of service to the organization.

The current greenhouse site will be leased commercially, and the Smithsonian must begin work on replacement greenhouses at the Smithsonian Museum Support Facility in Suitland, Maryland. Moving the facilities is the most cost-effective way to preserve the greenhouses. The Smithsonian has also created a design that will help save money during construction.

Mr. Speaker, the important work being done every day by the Smithsonian horticulturists in the current facility is vital to the mission of the Smithsonian, the increase and diffusion of knowledge.

I appreciate Chairman OBERSTAR, Chairwoman NORTON, and Ranking Members MICA and GRAVES for recognizing the significance of this relocation. H.R. 5492 will ensure that the collections thrive and the important work that is done at these facilities continues. I urge my colleagues to support the bill.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 5492 authorizes the Smithsonian Institution to construct greenhouses at its facility in Suitland, Maryland. The bill authorizes $12 million to construct the greenhouses. The Transportation Committee has researched the proposed cost of and the need for this greenhouse facility. We have done our due diligence on this project.

This greenhouse facility will produce the plants for the entire Smithsonian Institution complex, which is the world's largest museum complex. In addition, the facility will house the orchid collection held in trust by the Smithsonian.

The Smithsonian currently conducts these activities at an aging facility located at the Armed Forces Retirement Home here in the District of Columbia. Because the retirement home is redeveloping the site, the Smithsonian will no longer be able to use the greenhouse facility located there.

These new greenhouses will enable the Smithsonian to continue producing its own plants after it loses access to the Armed Forces Retirement Home.

Satisfying the Smithsonian's requirements for plants on the open market doesn't make sense economically. Given the wide variety of plans required for the National Zoo and museums, it is more cost effective for the Smithsonian to grow its own plants rather than to purchase them.

The cost of this project is appropriate given the need for the greenhouse facility, as well as the work necessary to construct this particular type of greenhouse. I support the resolution. I urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5492, which authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland.

The Smithsonian has leased a 55,000-square-foot greenhouse complex for its horticultural operations on the property of the Armed Forces Retirement Home (''AFRH'') in northwest Washington, DC, since 1974. The complex includes 12 greenhouses, space for administrative and logistical functions, and a shade house. The complex houses the Institution's world-class orchid collection, and provides space to grow a wide variety of plant materials for exhibits, gardens, and special events that would be costly or impossible to obtain commercially.

The AFRH plans to lease the property where the greenhouse complex is currently located to real estate developers and could turn the site over to a developer as early as September 30, 2008, when the current Smithsonian lease expires, leaving the Smithsonian without a greenhouse facility.

This bill authorizes $12 million for the construction of a new greenhouse facility. This facility will support the Office of Facilities Engineering and Operations (''OFEO'') of the Horticulture Services Division (''HSD''). This office provides services for the Smithsonian museums and units through planting for exhibits and special events, and through development and management of the Smithsonian public gardens.

I thank the gentlewoman from California (Ms. MATSUI) and the other congressional Regents of the Smithsonian Institution for introducing this bill. I urge my colleagues to join me in supporting H.R. 5492.

Mr. GRAVES. Mr. Speaker, I don't have any other requests for time, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, once again I urge my colleagues to support H.R. 5492, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, H.R. 5492.

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

A motion to reconsider was laid on the table.

HONORING 200TH ANNIVERSARY OF GALLATIN REPORT ON ROADS AND CANALS, AND RECOGNIZING THE VAST CONTRIBUTIONS NATIONAL PLANNING EFFORTS HAVE PROVIDED

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 936) honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 936

Whereas President Thomas Jefferson commissioned his Secretary of the Treasury, Albert Gallatin, to provide a new vision for transportation that would unite the young Republic;

Whereas 2008 marks the bicentennial of the national plan, known as the Gallatin Report on Roads and Canals (Gallatin Report), presented by Secretary Gallatin to President Jefferson;

Whereas the Gallatin Report proposed transportation improvements not as ends in themselves but as means to further national unity;

Whereas transportation improvements were part of the promise of the American Revolution, as James Madison, writing in The Federalist No. 14, emphasized, ''Let it be remarked . . . that the intercourse throughout the Union will be facilitated by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout, the whole extent of the thirteen States'';

Whereas Madison's words have served as a worthy reminder of the needs for transportation infrastructure since that time;

Whereas the Gallatin Report incorporated the improvements to the Postal Service that Benjamin Franklin bequeathed to the Nation, including Franklin's route surveys, his placement of milestones on principal roads, and his development of shorter transportation routes;

Whereas the Gallatin Report called for an inland waterway navigation canal from Massachusetts to North Carolina, which was the precursor to the modern day Intercostal Waterway system;

Whereas the United States, as a result of Gallatin's legacy, has a record of successful infrastructure developments, including—

(1) the Erie Canal, which vastly reduced transportation costs to the interior;

(2) the transcontinental railway, which united the Nation;

(3) transit projects across the Nation, which promote freedom and opportunity;

(4) the National Highway System, including the Dwight D. Eisenhower System of Interstate and Defense Highways, which fostered interstate commerce, national unity, and broke down barriers between the States; and

(5) the Tennessee Valley Authority, devised by President Franklin Delano Roosevelt as a ''corporation clothed with the power of government but possessed of the flexibility and initiative of a private enterprise'', which brought electricity, conservation planning, and opportunity for thousands in the Tennessee Valley and across the Nation;

Whereas to be regarded as a success, any national planning endeavor must address and reconcile the needs of different regions of the Nation;

Whereas the genius of the Gallatin Report was its alignment of the hopes of the Nation with the opportunities presented by access to new markets, populations, and territories;

Whereas the United States currently faces new challenges in financing the transportation infrastructure that is necessary for the future economic needs of the Nation; and

Whereas if the United States is to succeed in a world of increasing international competition, the United States must have a new national plan for transportation improvements to provide for the Nation's future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the goals and ideals that formed the impetus for Albert Gallatin's national plan for transportation improvements 200 years ago;

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to mark this important anniversary by recalling the important legacy of public investment in infrastructure, which connects and enhances the economies, communications, and communities of the several States; and

(3) supports the creation of a new national plan for transportation improvements to align the demands for economic development with the resources of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. 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 material on H. Res. 936.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution reaffirming our national commitment to our national transportation infrastructure. Two hundred years ago, a farsighted President, Thomas Jefferson, commissioned Secretary Gallatin to provide a report and a vision for transportation in America, to knit together the then-young Nation and to better facilitate the movement of its people, its goods, its commerce and people, and to better compete in the international economy.

For 200 years, or nearly 200 years, that vision has been maintained and has been the prevailing view here in Washington, DC.

Unfortunately, we now have an occupant of the White House and a Secretary of Transportation who do not share that vision. A recent report detailing the extraordinary state of disrepair into which our transportation infrastructure has fallen from a commission created by this Congress in the SAFETEA–LU legislation pointed to the need for a massive increase in investment at all levels, Federal, State and local, because in order just to maintain the existing infrastructure, we would have to spend more than we are spending today. We are not even treading water. We are not even maintaining a deteriorating infrastructure; we are deteriorating towards Third World status. While our competitors around the world are leaping ahead with major investments in transit and roads, bridges and highways, and with major investments in ports and waterways, we are falling behind.

In response to that, unfortunately, the Secretary of Transportation joined with a minority in dissenting from the report and essentially proposed that we phase out any Federal role or investment in our national transportation infrastructure.

I can think of nothing more wrongheaded, shortsighted, or more destructive for the future of our country than to pull back from these extraordinary needs. So that's why I think it is so important that we look back, we look back over 200 years of history, we look back to the Gallatin Report, we look back to the successes that have followed upon that vision that we have been building upon for 200 years, and we set a course for the next 200 years so that we can again boast of having the state-of-the-art, most efficient, most energy-efficient transportation network in the world, which is far from the condition in which we find ourselves today.

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

Mr. DUNCAN. Mr. Speaker, I have agreed to reserve my time so the Speaker may be yielded to.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman, and I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank both gentlemen for yielding and for their support of this important resolution. I thank Mr. DUNCAN for his leadership and for supporting this resolution. Mr. DEFAZIO, of course, has been a champion on these issues for a long time. And in terms of building the infrastructure of America, Mr. BLUMENAUER has, through his relentless advocacy for building America's infrastructure in an environmentally sound way, has added to the vision of how we want to do this.

I learned about the Gallatin Report, which you talked about, Mr. DEFAZIO, from Mr. BLUMENAUER. Imagine 200 years ago, around the time of the Lewis and Clark expeditions and the Louisiana Purchase, a great President

realized that for commerce to flow and for people to move and our country to flourish, we needed to build the infrastructure of our country; and Mr. DEFAZIO described the immensity of that project by Albert Gallatin, the Secretary of the Treasury.

Secretary Gallatin said at the time his vision of roads and canals to unite our young Nation could not be left to individual exertion. Contrary to popular thinking at the time, Gallatin had the great foresight to see the long-term benefits of infrastructure investments far outweighed the cost. And because of that, public capital, not just private resources, were necessary.

From the beginning of our country, our Founders and the leaders of our country were entrepreneurs. They were risk-takers. They believed in public-private partnerships, and that is what this was.

At the beginning of the 19th century, it is important I think to note, there were barely 1,000 miles of canals in America. Sixty years later, in part because of the vision of Albert Gallatin, more than 4,200 miles of canals, ranging west to Illinois, north to Michigan, and south to Texas, facilitated trade and mobility across our country.

The Erie Canal, the transcontinental railway, and America's model of planning and investment stand today as legacies of Albert Gallatin's vision. A statue of Albert Gallatin stands today at the entrance to the Treasury Department building in recognition of his many accomplishments.

It is in the tradition of Albert Gallatin that 100 years later, again my teacher and mentor on the history of this vision for America, Mr. BLUMENAUER, informs me that Theodore Roosevelt launched a similar commitment by convening a White House conference on conservation to preserve America's natural beauty. That led to the creation of the National Park Service and helped a growing America remain a great America and continue on to be an even greater America.

In 2008, 100 years later, 200 years after Thomas Jefferson and Secretary Gallatin, 100 years after Theodore Roosevelt, in keeping with the tradition of visionary leaders like them, we are prepared to invest in America's strength. We again must invest in our infrastructure to do so.

Today that means green solutions such as mass transit and modern solutions such as expanding broadband across America.

□ 1315

Whether we're talking about roads or bridges or mass transit, whether we're talking about canals and waterways, sewage and water facilities, whether we're talking about broadband or we're talking about the grid to transmit electricity, whether it be talking about schools, an investment in infrastructure that serves the needs of our children and their education, all of this infrastructure needs a major, major infusion of capital, and we want to do that in a fiscally sound way.

Just as they did 200 years ago, these infrastructure investments offer our Nation job-creating opportunities to invigorate, reinvigorate America's economies. Anything we're talking about in terms of infrastructure means good-paying jobs right here at home in America. It's not only about creating those jobs; it's about growing our economy.

Today, because of the leadership of Mr. OBERSTAR, the distinguished Chair of the committee, Mr. DEFAZIO, who opened the debate here, Mr. DUNCAN, thank you as well, and the leadership of Congressman EARL BLUMENAUER, Congress has the opportunity to honor the genius of the Gallatin plan, as the resolution says, establishing a more perfect Union.

Mr. Speaker, I rise in recognition of Secretary Albert Gallatin who, with his plan, encouraged the prosperity and the national unity of America.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. And I appreciate the remarks of our distinguished Speaker, and also Chairman DEFAZIO. And I would like to also add my voice to support for this House Resolution 936. This resolution was introduced by Representative BLUMENAUER and cosponsored by Chairman OBERSTAR, Highways and Transit Subcommittee Chairman DEFAZIO, the subcommittee of which I have the privilege of being the ranking member, and Representative PETRI, to honor the 200th anniversary of the Gallatin report on roads and canals, a first-of-its-kind assessment for Federal interests and investment in our Nation's transportation infrastructure.

In 1808, when he presented the report, Secretary of the Treasury Albert Gallatin urged the Federal Government to focus on three basic concepts.

The first concept was that it is appropriate for the Federal Government to finance transportation projects that transcend local needs. Second, only projects that yield a return on investment should be constructed. Third, a nationwide system of transportation is essential in the interest of national defense.

All of these concepts that Gallatin proposed 200 years ago are relevant to the challenges that our Nation faces today and in the future.

I also appreciate that the resolution has incorporated the need for a new national transportation plan. Ranking Member MICA has, for some time, advocated for a new national transportation plan that provides a long-term strategic approach to funding our Nation's transportation infrastructure system so that we can continue to be competitive in a worldwide economy.

I believe that Secretary Gallatin would have supported this type of vision for the future of our transportation system, and I certainly hope that my colleagues will as well.

I have said many times, Mr. Speaker, that the people in Tennessee use the roads in Ohio and California, and people in New York and Michigan use the roads in Tennessee. There is very much a significant and legitimate national interest in our transportation system in this country.

Also, I appreciated the Speaker's remarks about the need to invest in and improve our Nation's infrastructure. I heard someone say about the last stimulus package that what we were really doing was borrowing money from China so that the people could go out and buy Chinese products. If we spend money on our infrastructure, we will be spending that money here and the money will be going to American workers to do these projects. And many of them are very, very necessary.

Mr. Speaker, I think this resolution is very appropriate, and I urge my colleagues to support this.

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

Mr. DEFAZIO. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy, and I appreciate the leadership from my friend from Oregon on this legislation; likewise, my friend and colleague from Tennessee, with whom I'd served on the Transportation and Infrastructure Committee so many years. They have adequately, I think, framed what we have here. This is not merely the commemoration of some obscure historical event. As was mentioned by the Speaker, this is the framework upon which America was built for over 200 years; the vision of President Jefferson and Albert Gallatin, the work of President Roosevelt, having a framework for taking a ragtag group of 13 colonies and making it into a transcontinental powerhouse. This farsighted leadership and Federal action helped make America what it is today.

But right now, on Capitol Hill today, there are literally thousands of people who are here urging that we deal with the infrastructure crisis in this country, people dealing with mass transit, firefighters, engineers. There are thousands of people who are concerned, right now, that it is time for us to take this resolution as a clarion call for a wake up.

The American Society of Civil Engineers has rated our infrastructure at D minus. We are being outcompeted internationally by the European Union and the Chinese.

This is history that is worth reviewing; how we built the partnerships that created the infrastructure, how we were able to tie communities together, to be able to enhance new technologies. When it was time for the transcontinental railroad, the framework was in place.

It is time for us to have a clear-eyed assessment of what the infrastructure needs are of today. My colleague, Mr. DEFAZIO, talked a little bit about this in his statement because, frankly, we've got the evidence at hand of what

the condition is. We know that there is time for us to move forward with a new plan for this century. It is time to build the constituency and the public awareness going from the Sierra Club to the Garden Club, the AFL–CIO to the Chamber of Commerce, the bicyclists and the truckers.

In 314 days, we start a new era here on Capitol Hill. There are people out and about who are starting work on this, the America 2050 program, a nonpartisan assessment under the leadership of the RPA, headquartered in New York, to other assemblage of professional and academic and business.

I hope this resolution helps focus the attention of people on this Chamber for what we all need to do to help our colleagues on the Transportation and Infrastructure Committee to move forward with an assessment of our needs now, a plan for this century, so that all of our communities can be more livable and our families safer, healthier, and more economically secure.

Mr. DUNCAN. Mr. Speaker, I have no other speakers, and once again I urge support for this resolution.

I will say this: We have had many, many hearings in the Transportation and Infrastructure Committee about the need to greatly improve our infrastructure in this country. We attempted, in the last highway bill, to put in some environmental streamlining. These projects are taking about three times as long and costing about three times as much because of environmental rules and regulations and red tape. We have got to speed up these infrastructure projects. The other developed nations are doing these projects in a third or half the time that we are, and that's going to really harm this country in the future if we don't speed these projects up.

Also, if we don't have more domestic energy production, we're going to make ourselves much more vulnerable to foreign energy producers, but we're not going to be able to afford the infrastructure projects that we really need to do in this country. So those are two thoughts that we need to take into consideration when we consider a resolution like this.

But I commend my colleagues, Chairman DEFAZIO and Mr. BLUMENAUER and Mr. PETRI, for this resolution, and I urge its support.

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

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

It's already been referenced earlier by the Speaker, and by Mr. BLUMENAUER, that one thing we could do for the ailing American economy to put people back to work, quite quickly this year, this construction year, would be investment in our infrastructure. These would be American jobs with American products. They can't be exported. The benefits are here at home. It will make our country more competitive in the international marketplace. They help businesses with just-in-time delivery. You're now seeing trucks detoured by 100, 200 miles because of failing and weight-limited bridges. There's a tremendous amount of work that needs to be done.

It would also make us more energy efficient by helping to obviate some of the congestion that we're currently suffering from, the detours that I already mentioned.

If we set a goal, for instance, of looking at our largest cities, having 10 percent of people take transit to work, we could save 40 percent from the oil that we currently import from the Middle East. That would be tremendous for national security, our balance of trade, and great for the American people and good for the environment.

Now, some might say that's too ambitious. Well, I just came back, or I took the committee on a trip to Europe. In London, more than 85 percent of the people ride transit to work. And in Barcelona, they're investing more money in one addition to their subway system, which is at capacity right now, than we're investing in all transit in the entire continent of the United States of America.

We are not pushing the margins here in terms of our investment. We can do better and we can learn from the past and, at the same time, look to a more transportation efficient future by observing this commemoration of Gallatin and beginning to construct our own version of a Gallatin report as we move to the reauthorization of the surface transportation and transit legislation in 2009.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 936, which honors the 200th anniversary of the Gallatin Report on Roads and Canals, celebrates the national unity the Gallatin Report engendered, and recognizes the vast contributions that transportation improvements have provided to the United States.

With the acquisition of vast land area under the Louisiana Purchase in 1803, and with the persistent westward migration of early settlers, the United States in the early 19th century was a young and rapidly expanding Republic. To President Thomas Jefferson, the architect of the Louisiana Purchase, uniting the United States and its people was of paramount importance.

President Jefferson directed his Secretary of the Treasury, Albert Gallatin, to develop a national plan for transportation improvements to unite the country. Secretary Gallatin presented his report—the Gallatin Report on Roads and Canals, Gallatin Report—in 1808.

Mr. Speaker, Gallatin's national plan matched the Nation's hopes with the opportunities presented by a growing population, expanding territories, and widening markets. It recommended, for example, an inland waterway navigation canal from Massachusetts to North Carolina, which was the precursor to our present Intracoastal Waterway system.

As a result of Gallatin's national plan, the United States has achieved a number of important and significant transportation infrastructure improvements, including:

The Erie Canal that connected the east coast with the Great Lakes to reduce transportation costs to the interior of the country;

The transcontinental railway that linked the east and west coasts and united the country at a time of national discord;

The Tennessee Valley Authority that brought electric power, economic development, and employment opportunity to a region in need;

The National Highway System, including the Interstate System, that fostered transportation connectivity, promoted interstate commerce, and advanced national unity; and

Transit projects throughout the country that provided accessibility and choice.

This year marks the 200th anniversary of the Gallatin Report on Roads and Canals. H. Res. 936 honors the Gallatin Report and celebrates the national unity the Gallatin Report has engendered.

This resolution reaffirms the goals and ideals that prompted the development of the Gallatin Report 200 years ago. It commemorates the legacy of Gallatin's national plan for transportation improvements and the public investment in infrastructure the Gallatin Report helped bring forth.

Our Nation's surface transportation system is at a crossroads. As we continue the discussion of the future of the system, it is important to recognize the bold vision provided by Secretary Gallatin in his report.

The Gallatin Report should serve as a lasting reminder to this and future Congresses of the need for vision and leadership at the national level.

Mr. Speaker, I strongly support H. Res. 936 and urge my colleagues to join me in agreeing to the resolution.

Mr. DEFAZIO. 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 Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 936, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BLUMENAUER. 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.

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 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1034

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Wittman of Virginia.

COMMITTEE ON HOMELAND SECURITY: Mrs. Miller of Michigan.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. WESTMORELAND. 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 6, nays 387, not voting 35, as follows:

[Roll No. 112]

YEAS—6

Coble	Johnson (IL)	Westmoreland
Gohmert	Myrick	Young (AK)

NAYS—387

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

NOT VOTING—35

Aderholt	Hooley	Peterson (PA)
Barton (TX)	Jones (OH)	Pryce (OH)
Blackburn	Kilpatrick	Rangel
Boucher	Markey	Renzi
Cardoza	McCrery	Ros-Lehtinen
Castor	Meek (FL)	Rush
Cubin	Mitchell	Souder
Davis, Lincoln	Neal (MA)	Thompson (MS)
Garrett (NJ)	Oberstar	Udall (CO)
Granger	Pascrell	Woolsey
Hinchey	Pence	Wynn
Holden	Perlmutter	

□ 1354

Messrs. McCAUL of Texas, SHADEGG, COHEN and SPRATT changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2008.

Hon. NANCY PELOSI,
The Capitol,
Washington, DC.

DEAR MADAM SPEAKER: I hereby inform you that I respectfully resign my seat on the House Committee on Armed Services effective Tuesday, March 11, 2008.

Sincerely,

CANDICE S. MILLER.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Foreign Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2008.

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

Hon. JOHN BOEHNER,
Republican Leader,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: I am writing to resign from the Foreign Affairs Committee, effective March 11, 2008. I have enjoyed my brief time serving on this Committee.

With kind regards, I am

Sincerely,

ROB WITTMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Financial Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 2008.

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

DEAR SPEAKER PELOSI, With my pending appointment to the House Transportation and Infrastructure Committee, I am writing to submit my resignation from the House Committee on Financial Services. It has been an honor and a privilege to serve on the Financial Services Committee since the beginning of the 110th Congress.

Sincerely,

ALBIO SIRES,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1035

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Berman, Chairman.

(2) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Sires.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING GRATITUDE TO MEMBER STATES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 854) expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 854

Whereas for the past 62 years, until their ultimate release on November 28, 2007, the International Tracing Service (''ITS'') archives located in Bad Arolsen, Germany remained the largest closed Holocaust-era archives in the world;

Whereas while Holocaust survivors and their descendants have had limited access to individual records at Bad Arolsen, reports suggest that they faced long delays, incomplete information, and even unresponsiveness;

Whereas until the archives' recent release, the materials remained inaccessible to researchers and research institutions;

Whereas the 1955 Bonn Accords established an International Commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, the United States) responsible for overseeing the administration of the ITS Holocaust archives which contain 17,500,000 individual names and 50,000,000 documents;

Whereas the new International Committee of the Red Cross (''ICRC'') and the Director of the ITS, who is an ICRC employee, oversee the daily operations of the ITS and report to the Commission at its annual meetings;

Whereas the new ICRC leadership at the ITS should be commended for their commitment to providing expedited and comprehensive responses to Holocaust survivor requests for information, and for their efforts to complete the digitization of all archives as soon as possible;

Whereas since the inception of the ITS, the German government has financed its operations;

Whereas beginning in the late 1990s, the U.S. Holocaust Memorial Museum (''Holocaust Museum''), Holocaust survivor organizations, and others began exerting pressure on International Commission members to allow unfettered access to the ITS archives;

Whereas following years of delay, in May 2006 in Luxemburg, the International Commission of the ITS agreed upon amendments to the Bonn Accords which would grant researchers access to the archives and would allow each Commission member country to receive a digitized copy of the archives and make the copy available to researchers under their own country's respective archival and privacy laws and practices;

Whereas the first 3 Commission member countries to ratify the amendments to the Bonn Accords were the United States, Israel, and Poland, all 3 home to hundreds of thousands of survivors of Nazi brutality;

Whereas the United States Holocaust Memorial Museum has worked to ensure the timely release of the Bad Arolsen archives to survivors, researchers, and the public;

Whereas the United States Department of State engaged in diplomatic efforts with other Commission member countries to provide open access to the archives;

Whereas the United States House of Representatives unanimously passed H. Res. 240 on April 25, 2007 and the United States Senate passed S. Res. 141 on May 1, 2007, urging all member countries of the International Commission of the ITS who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany;

Whereas on May 15, 2007, the International Commission voted in favor of a United States proposal to allow a transfer of a digital copy of archived materials to any of the 11 member States that have adopted the May 2006 amendments to the Bonn Accords; thereafter, transfer of materials to both the United States Holocaust Memorial Museum and Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, was initiated;

Whereas while it is not possible to provide meaningful compensation to Holocaust survivors for the pain, suffering and loss of life they have experienced, it is a moral and justifiable imperative for Holocaust survivors and their families to be offered expedited open access to these archives;

Whereas with respect to the release of the materials, time is of the essence in order for Holocaust researchers to access the archives while Holocaust survivor eyewitnesses to the horrific atrocities of Nazi Germany are still alive;

Whereas opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust and to ensure that unchecked anti-Semitism and complete disrespect for the value of human life, including the crimes committed against non-Jewish victims which made such horrors possible, is never again permitted to take hold;

Whereas despite overwhelming international recognition of the unconscionable horrors of the Holocaust and its devastating impact on World Jewry, there has been a sharp increase in global anti-Semitism and Holocaust denial in recent years; and

Whereas it is critical that the international community continue to heed the lessons of the Holocaust, one of the darkest periods in the history of humankind, and take immediate and decisive measures to combat the scourge of anti-Semitism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation to all countries that ratified the amendments to the Bonn Accords allowing for open access to the Holocaust Archives located in Bad Arolsen, Germany;

(2) congratulates the dedication, commitment, and collaborative efforts of the United States Holocaust Memorial Museum, the Department of State, and the International Committee of the Red Cross to open the archives;

(3) encourages the United States Holocaust Memorial Museum and the International Committee of the Red Cross to act with all possible urgency to create appropriate conditions to ensure survivors, their families, and researchers have direct access to the archives, and are offered effective assistance in navigating and interpreting these archives;

(4) remembers and pays tribute to the murder of 6,000,000 innocent Jews and more than 5,000,000 other innocent victims during the Holocaust committed by Nazi perpetrators and their collaborators; and

(5) must remain vigilant in combating global anti-Semitism, intolerance, and bigotry.

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, it is a pleasure to support this resolution which recognizes the long overdue ratification of an international agreement that will open access to records of the Holocaust and Nazi war crimes. And I would like to commend my good friend and distinguished colleague, Alcee Hastings of Florida, for introducing this measure before us today.

On January 27, designated by the United Nations as the International Holocaust Remembrance Day, the world paused to honor the victims of this terrible crime and to vow never again to allow such atrocities to happen.

For many victims and relatives of the Holocaust, 2008 may provide the first opportunity to obtain access to information about their own treatment as well as the fate of their loved ones in Nazi death camps.

In 1955, 11 member countries signed the Bonn Accords to establish an International Commission responsible for overseeing the administration by the

International Tracing Service of Holocaust archives.

The service is based in Bad Arolsen, Germany, and is directed by the International Committee of the Red Cross.

□ 1400

Madam Speaker, the archive holds over 85,000 feet of records, listing victims' names, transport details, medical records, and in some cases the only history of those who died at the hands of the Nazis. The records contain over 50 million reference cards for over 17.5 million people.

For over 60 years, ITS has limited access to its records to survivors of Nazi crimes and their descendants. Aging Holocaust survivors have criticized ITS for delayed responses or a complete failure to provide them with any information. By 2006 ITS had recorded a backlog of over 400,000 requests.

Following years of delay, the 11 parties to the Bonn Accords Treaty signed amendments in May 2006 to ensure the records were fully opened to survivors as well as researchers. This process was to be enhanced by the distribution of digitized records to member countries.

While the United States, Israel, Poland, and the Netherlands were the first signatories to ratify the amendments, Holocaust survivors were forced to wait still longer until the remaining countries completed their ratification procedures. In April 2007, this House passed H. Res. 240 calling on the remaining seven countries to ratify the amendments by the May 2007 deadline.

The resolution before us today expresses appreciation to all member countries for having ratified the amendments, allowing survivors the opportunity to find peace in the material contained in these archives. The resolution highlights the key roles played by the United States Holocaust Museum, the Department of State, and the International Community of the Red Cross in achieving this outcome. And it calls on the Holocaust Museum and the Red Cross to create the necessary conditions by which survivors and their families can promptly obtain long-sought-after information regarding Holocaust-era atrocities. While the ratification of these amendments is tragically too late for many victims, the hope is that it provides answers for many others.

I support this resolution, Madam Speaker, and I urge my colleagues to do the same.

With that, Madam Speaker, I reserve the balance of my time.

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

I rise today in support of H. Res. 854 on the opening of Bad Arolsen Holocaust archives. I would like to thank the author of this resolution, Congressman HASTINGS, as well as Ranking Member ROS-LEHTINEN, Congressman WEXLER, and Congressman KIRK, who have fought for opening access to the Holocaust archives in Bad Arolsen, Germany.

The archives there have been the largest closed Holocaust-era collection of documents in the world, containing millions of records about the fates of over 17 million victims of Nazi Germany. The archive became open to the public in November of last year after 11 countries of its governing body ratified the agreement that allowed the collection to become open and for those documents to be transferred to the United States Holocaust Memorial Museum and Yad Vashem in Israel.

Open access to these records will provide many Holocaust survivors and their families with the information about their loved ones. Additionally, it will present researchers and scholars with materials necessary to enhance the public knowledge about the Holocaust.

Now that the archive is open and the U.S. Holocaust Museum is able to answer requests, it is very important that the survivors and their family members are aware of these services and are able to immediately submit requests for information about their loved ones.

In conclusion, I urge Members from both sides of the aisle to support H. Res. 854.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, at this time I wish to yield 5 minutes to my good friend, the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my very good friend and cosponsor of this resolution, Representative CROWLEY, for the time.

Madam Speaker, this resolution on the floor is the culmination of longstanding efforts I have made with Representative WEXLER, who is chairman of the Subcommittee on Europe; Representative ILEANA ROS-LEHTINEN, the ranking member of the House Foreign Affairs Committee; Representative MARK KIRK; and many others to open the largest closed Holocaust-era archive in the world and release critical Holocaust records.

As I stand today in support of a resolution making this significant event in Holocaust history, I cannot help but reflect on the longstanding life and career of a true champion of human rights and Holocaust issues, the former chairman of the House Foreign Affairs Committee and the first and only Holocaust survivor Member of Congress, Representative Tom Lantos.

These archives will forever contribute to the world's collective memory of the Holocaust atrocities experienced and the immense bravery exhibited by Representative Lantos and his wife and other survivors who are no longer with us today.

The opening of the Bad Arolsen archives will enable Holocaust survivors, their descendants, and future generations of researchers and the public access to some 50 million records on the fates of 17.5 million individual victims of Nazi brutality.

In our world today, filled with growing international intolerance, including anti-Semitism, hate, racial bigotry, xenophobia, and religious discrimination, it could not be more critical for us to ensure unfettered access to these Holocaust archives. The ultimate release of these documents serves to further delegitimize world leaders and other extremist factions who spew anti-Semitic propaganda and downplay or deny the significance of the Holocaust.

I am thankful for the collaborative efforts and leadership shown by the Holocaust Memorial Museum, new leadership of the International Committee of the Red Cross at the International Tracing Service, the State Department, survivor groups, and this body of Congress to pressure the member states of the ITS to throw open the doors of these archives.

Our success sends a robust message to the world that the horrors of the Holocaust shall forever remain at the forefront of our collective and individual memories. The ultimate release of these archives proves that the world recognizes the moral importance of combating the scourge of modern-day anti-Semitism.

May we never forget the atrocities of the Holocaust. May this historic event serve as a constant reminder to the world of what happens when humanity is silenced and evil permitted to wage war on the innocent.

Mr. MANZULLO. Madam Speaker, I continue to reserve the balance of my time.

Mr. CROWLEY. I want to thank the gentleman, the sponsor from Florida of this legislation, Mr. HASTINGS, for his comments.

Madam Speaker, at this time I would like to yield 2½ minutes to the gentlewoman from Las Vegas, Nevada (Ms. BERKLEY).

Ms. BERKLEY. I want to return the compliment to the gentleman from New York. This is an issue that has been in the forefront of his mind and actions since he came to Congress. And I thank the sponsor of the legislation, Mr. HASTINGS, for bringing it to us today.

Madam Speaker, I rise today in support of this resolution and in the hope that this archive will help the world remember the crimes committed in the Holocaust and ease the pain of those families who lost loved ones in the Holocaust but to this day have no idea what happened to their families and their family members.

We, unfortunately, find ourselves in an age where the absurdity of the Holocaust denial is on the rise, when the leader of Iran seeks to recreate Hitler's acts, and when anti-Semitic conspiracy theories are finding fertile ground all over the Internet.

At the meeting of the Transatlantic Legislators' Dialogue last October in Las Vegas, Abraham Foxman, national director of the Anti-Defamation League, laid out for us the troubling resurgence of global anti-Semitism, not only in Europe and in the Middle

East but even here at home. Conspiracy theories flourish, claiming Jews control the media and the banking industry and Jewish lobbies have too much power, the same old canards that have existed for all too long. Mr. Foxman reminded us that these words and theories, often serious anti-Semitism disguised as ''anti-Zionism,'' are too often used by terrorists and hate groups to justify their actions.

I'm sorry to say in a newspaper article in the Rebel Yell at my alma mater, the University of Nevada, Las Vegas, just this week there was a horrible anti-Semitic and anti-Israel screed written by a misinformed student that has created shock waves across the Las Vegas community.

As chairman of the Transatlantic Dialogue, I believe that I speak for all TLD members when I say how grateful we are to our friends across the Atlantic who have worked so hard to open these archives.

It is my hope, as this resolution states, opening the historic record will be a ''vital contribution to the world's collective memory and understanding of the Holocaust.'' We must do everything we can to ensure that nothing like the Holocaust ever happens again, not in Europe, not in the Middle East, not in Africa, not anywhere.

And I thank the gentleman again.

Mr. MANZULLO. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentleman for yielding. I appreciate the opportunity.

Madam Speaker, opening these historical records on the Holocaust at this time, I think, is absolutely vital for the debate that is going on in the world today, when, ironically, you have a head of a state like President Ahmadinejad in Iran who simultaneously manages to say that the Holocaust never occurred and that we should have another Holocaust and that the Jewish people should be erased, that Jerusalem and Israel should be erased from the map. When you have the kinds of assertions that we read about, it is vital that those records be discussed by scholars, be surveyed by the families of those who lost loved ones, and that the debate be reengaged.

And the reason I say this is this weekend at Chapman University they had a program with 280 Holocaust survivors who had been interviewed by students and we heard the students' words about what they had learned about the Holocaust.

My father was present at that program, and he was also present and took photographs at Dachau when that camp was liberated and has since that time had to repeatedly engage those who deny the evidence of those eyewitnesses to history who recorded what had happened there. The words that he has written about this and the speeches that he has given in debate record the four ovens with the bodies stacked like cordwood next to the ovens and in the ovens and the thousands of human beings packed into railcars where they were left to starve to death. The fact that people today still engage us in this argument is why these archives must be turned over to researchers. As he said, when his generation is dead, the last eye-witnesses to this inhumanity will be gone and the Ahmadinejads and those who deny what happened in history will have a chance to try to repeat history.

One other point: the evidence uncovered here, the evidence exposed here, will help us better defend the Jewish people and to explain to some of our colleagues and to the world why it is the United States understands why the threats from people like Ahmadinejad are so dangerous.

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Mr. CROWLEY. Madam Speaker, first, let me thank the gentleman from California for his contribution to the debate today. I think his remarks are right on target.

At this time, Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWKSY. Madam Speaker, I thank the gentleman from New York for yielding, but also for his great leadership on this and so many issues that affect the Jewish community and that affect justice.

I rise in strong support of H. Res. 854 to congratulate the member states of the International Commission of the International Tracing Service for opening the Holocaust archives located in Bad Arolsen, Germany.

For 62 years after the end of the Second World War, the Holocaust archives located in Bad Arolsen remain the largest closed World War II era archives in the world. While Holocaust survivors and their families could request access to individual records, many reported facing significant delays, and these important archives remained inaccessible to researchers.

Fortunately, that has all changed. Each of the 11 member countries of the International Commission of the International Tracing Services has ratified the May 2006 amendments to the Bonn Accords, opening these treasured archives to researchers, including those at the United States Holocaust Memorial Museum.

Opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust. Greater understanding of the materials contained in the Bad Arolsen archives will help ensure that unchecked anti-Semitism is not allowed to take hold in the world again.

Each year, the Congress recognizes Holocaust Remembrance Day, and I am pleased that today we are continuing our efforts to ''never forget.''

My district, the Ninth Congressional District of Illinois, is home to the largest concentration of survivors in the State of Illinois and perhaps the country, and the opening of the Bad Arolsen Archive holds deep meaning for those individuals in the entire community. Perhaps the records located there will help these families fill in the blanks of their lives that were shattered by Nazi Germany.

I am proud to be a cosponsor of H. Res. 854.

I urge all of my colleagues to lend it their support.

PERMISSION TO ADD MEMBER AS COSPONSOR OF H. RES. 854

Mr. MANZULLO. I would ask unanimous consent to add the gentleman from California (Mr. ROYCE) as a cosponsor to this bill.

The SPEAKER pro tempore. That would be the prerogative of the primary sponsor through the hopper.

Mrs. TAUSCHER. Madam Speaker, I rise today in support of House Resolution 854, which commends all countries that worked to ratify the amendments to the Bonn Accords to permit open access to the Holocaust Archives located in Bad Arolsen, Germany.

I want to thank my colleague from Florida, Congressman HASTINGS, for bringing this important resolution to the Floor.

For the last 62 years, records relating to more than 17 million Holocaust victims have been sealed inside the archives at Bad Arolsen, Germany—the largest WWII-era archives in the world. To carry forward the process of rectifying past wrongdoing and to prevent subsequent humanitarian crimes, it is critical that we throw open the doors of dark repositories like Bad Arolsen and allow the light of accountability to shine in.

To open the archives at Bad Arolsen, all 11 members of the International Commission of the International Tracing Service (ITS) were required to ratify the May 2006 amendments to the 1955 Bonn Accords. On November 28, 2007, the final state ratified the amendments, so that Holocaust survivors, their descendents, researchers, and the general public are finally allowed full access to the records housed at the facility.

At a time when anti-Semitism and Holocaust denial persist around the world, a vote for this resolution will serve as an indictment of secretive government practices that facilitated vast crimes, and it will reaffirm that the atrocities experienced by Holocaust victims will be remembered and mourned in perpetuity.

I commend Mr. HASTINGS for his leadership on this issue, and I urge my colleagues to join me in expressing gratitude to our international partners for ratifying the treaty to release Holocaust records and in congratulating the United States Holocaust Museum, the U.S. Department of State, and the International Red Commission of the Red Cross for their efforts to open the archives.

Mr. WEXLER. Madam Speaker, I rise today in support of House Resolution 854, highlighting the decision made by the member states of the International Commission of the International Tracing Service, ITS, to finally grant access to the vast Holocaust archives located in Bad Arolsen, Germany.

The recent decision to fully open the archives closed a frustrating chapter for Holocaust survivors whose requests for information, which numbered in the hundreds of thousands, were left unanswered.

As many of my colleagues are aware, for 63 years the most extensive collection of files documenting the horrors of the Holocaust were extensively closed to survivors, heirs, researchers and family members seeking to find out the true fate of their loved ones or to document the horrific atrocities committed by the Nazis.

The Bad Arolsen archives, with its 50 million documents chronicling the fate of over 17 million victims of the Holocaust, is a vital resource for the remaining Holocaust survivors and their families who are struggling to bring closure to this painful chapter of history.

Many Holocaust survivors have died without knowing the details of a family member's deportation, incarceration, or death. The opening of the Bad Arolsen archives will now enable survivors as well as second and third generation survivors to gain access to vital information about their family history.

There are many individuals and organizations that deserve credit for their efforts in fully opening Bad Arolsen. In Congress there was a strong bipartisan effort to raise awareness about the world's largest Holocaust archive that was for all intents and purposes closed. To that, I would like to thank my colleague from south Florida, Congressman ALCEE HASTINGS, for his tireless work on this issue, as well as the many sponsors of this resolution, many of whom were also involved in efforts to reach out to the parliaments of the member states of the International Commission of the ITS to ensure the timely ratification of the amendments to the Bonn Accords.

Now that this vital archive has been made public, information unjustly denied to survivors and their families for the past 63 years can be brought to light. I urge all of my colleagues to join me in supporting this resolution.

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

Mr. CROWLEY. Madam Speaker, at this time, we have no further speakers on the subject, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 854, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Expressing gratitude to all of the member states of the International Commission of the International Tracing Service on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany.''.

A motion to reconsider was laid on the table.

COMMEMORATING THE 175TH ANNIVERSARY OF THE SPECIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE KINGDOM OF THAILAND

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 290) commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 290

Whereas the United States will celebrate the 175th anniversary of its relationship with the Kingdom of Thailand since the signing of the original Treaty of Amity and Commerce in 1833 during President Andrew Jackson's administration and the reign of King Rama III;

Whereas the Kingdom of Thailand was the United States' first treaty ally in the Asia-Pacific region and remains a steadfast friend with the Thai and American people sharing the values of freedom, democracy, and liberty;

Whereas Thailand was designated as a major non-NATO ally in December 2003, which improved the security of both nations, particularly through joint counterterrorism efforts;

Whereas for more than a quarter century Thailand has been the host country of Cobra Gold, the United States Pacific Command's annual multinational military training exercise designed to ensure regional peace and promote regional security cooperation;

Whereas the United States and Thailand launched joint relief operations in the wake of the tragic 2004 tsunami from Utapao, Thailand, thus strengthening the overall capacity of the forces involved in providing relief and setting the model for effective humanitarian operations throughout the entire region affected by the deadly tsunami;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations (''ASEAN'');

Whereas Congress passed H. Con. Res. 409 in 2006 commemorating the 60th Anniversary of the Ascension to the Throne of His Majesty King Bhumibol Adulyadej of Thailand;

Whereas on December 5, 2007, the people of Thailand celebrated the 80th birthday of His Majesty King Bhumibol Adulyadej, the world's longest serving monarch, who is loved and respected by Thai for his lifelong dedication to the social and economic development of the Thai people;

Whereas on December 23, 2007, the Royal Thai Government held nationwide parliamentary elections that should help pave the way for a successful return of stable democracy to Thailand;

Whereas approximately 500,000 Americans of Thai descent are living in the United States and share in the mutual pursuit of the American Dream;

Whereas Thailand is America's 20th largest trading partner with bilateral trade totaling $30,600,000,000 per year; and

Whereas the bonds of friendship and mutual respect between the United States and Thailand are strong: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commemorates the 175th anniversary of United States and Thailand relations;

(2) offers its sincere congratulations to the Kingdom of Thailand and the Thai people for their democratic, free, and fair election;

(3) commemorates the 80th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers its sincere congratulations and best wishes for the continued prosperity of the Kingdom of Thailand; and

(4) looks forward to continued, enduring ties of friendship between the Thai and American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. I ask unanimous consent that all Members have 5 legislative days to revise and extend remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, as the lead Democratic sponsor of this legislation, I want to thank my friend and distinguished colleague from Illinois, the ranking member of the Subcommittee on Asia, the Pacific, and the Global Environment, Mr. Don Manzullo, for introducing this resolution before us today.

In 1833, 2 years before the publication of Alexis de Tocqueville's ''Democracy in America'' and 3 years before the Battle of the Alamo, the United States and Kingdom of Thailand signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the United States' first treaty ally in the Asia-Pacific region.

Now, 175 years later, Thailand remains our oldest Asia-Pacific ally.

During this time, the relationship between our two countries has strengthened as it has changed with the times, and the friendship between our two peoples has grown deep and enduring.

Our military partnership, which began when King Mongkut offered combat elephants to President Lincoln during the Civil War, is now one of the closest in Asia.

Thai soldiers fought alongside U.S. military personnel in World War I, the Korean War, and the Vietnam War. Today, Thailand is one of only a handful of our major non-NATO allies and is a crucial partner in our efforts to combat international terrorism. Thailand is also the host country of Cobra Gold, U.S. Pacific Command's annual multinational military training exercise.

Our economic relationship is similarly robust, with bilateral trade topping $30 billion annually.

On the political front, traditionally Thailand has been an anchor of stability and democracy in the volatile region of Southeast Asia. While it has been tested repeatedly by its own political upheavals, the Thai people have consistently responded by renewing their dedication to democracy.

The country has had 18 coup attempts since World War II, and Thailand's December elections only recently ended the latest coup government, which had come to power in 2006.

We all hope and believe that Thailand can move beyond the differences which led to the coup and return to its position as a democratic leader in Southeast Asia.

Key to resilience of the Thai political system is the strength and pride of the Thai people.

No one epitomizes the spirit of Thai people more than their beloved king, His Majesty King Bhumibol Adulyadej.

On December 5, 2006, the king turned 80 years old. We in Congress join the Thai people in celebrating this landmark birthday and wishing the king a continued long life.

This resolution commemorates the 175th anniversary of the special relationship between the United States and Thailand and congratulates Thailand on maintaining its commitment to democracy by holding national elections and returning to a civilian-led government.

I strongly support this resolution and encourage my colleagues to do the same.

And with that, Madam Speaker, I reserve the balance of my time.

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

I rise today to recognize the 175th anniversary of the strong and enduring relationship between the people of the United States and the people of Thailand. The United States has no older ally in the Asia-Pacific region than the Kingdom of Thailand.

It was in the early days of our Republic, during the administration of Andrew Jackson, that the Treaty of Amity and Commerce was signed with King Rama III. Thailand has been a staunch friend of the United States ever since.

Remarkably, during the dark days of our Civil War, the King of Thailand offered to send President Lincoln a herd of elephants to help lead the Union to victory. While Lincoln did not take up the offer, the gesture was greatly appreciated.

More recently, Thailand provided support for our military forces during the Vietnam War. It has also served for more than a quarter century as the host for our Pacific Command's annual multinational military training exercise known as ''Cobra Gold.''

Our two nations have worked closely together on humanitarian issues as well. Thailand was of great assistance as the host nation for many of the refugees who came out of Indochina after the war there. More recently, Thailand has provided a safe haven for Burmese and North Korean refugees. Thailand also came together with the United States in launching joint relief operations following the tragic tsunami which caused its devastation in 2004.

Thailand is America's 20th largest trading partner. A half million Americans are of Thai descent, including the remarkable Tiger Woods. These are indeed the ties that bind.

It is my strong hope that the Government of Thailand with build on last year's successful parliamentary elections by ensuring that all parties in Thailand are brought into the political process.

Thailand's rebirth of diplomacy is something which all Americans welcome. I therefore urge my colleagues to support this resolution which recognizes our oldest and one of our most loyal Asian allies.

I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, at this time I reserve the balance of my time.

Mr. MANZULLO. I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman, Madam Speaker. I rise also to support this resolution commemorating the 175th anniversary of the special relationship that we have with the Kingdom of Thailand. I am an original cosponsor of this resolution, but I think this resolution rightly points out the improving security relationship between our two countries.

What I would like to share with my colleagues here today is the growing cooperation in law enforcement that we are having with Thailand.

Madam Speaker, last week, Viktor Bout, the most notorious of international arms dealers, was brought into custody by Thai authorities. A criminal complaint was unsealed in New York detailing Viktor Bout's efforts to sell mass amounts of weapons to the FARC, a foreign terrorist organization that operates in Colombia.

He was arrested in the final stages of arranging a sale of millions of dollars of high-powered weapons, including 100 advanced shoulder-fired missiles capable of taking out airliners. With the cooperation of Thai authorities, the ''Merchant of Death,'' as Viktor Bout is known, is out of the game. He is being retired from the role he has played in the killings and maimings around the world. And this is good news to anyone who cares about checking strife in Africa, anyone who cares about stopping those who armed child soldiers, anyone who cares about checking support for transnational terrorists.

Because while many were attempting to stop conflicts across Africa, this is the individual who was pouring fuel on the fire. In U.N. report after U.N. report, Viktor Bout was cited as the chief sanctions buster, supplying arms to anyone who could pay. And I saw this up close when I chaired the Africa subcommittee and when I traveled across the continent. It is a bloody trail from Liberia and then across sub-Saharan Africa that he left.

Bout simultaneously, by the way, also managed to arm the Taliban while he was arming the Northern Alliance. As I said, he has had dealings with the FARC in Colombia, and he has been connected with Hezbollah. He is an international menace who needs to face justice, and we look forward to his expeditious extradition to the United States. And thank you to the Thai authorities, because they are the ones who took him into custody.

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

Mr. CROWLEY. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 290, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 187TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1024) recognizing the 187th anniversary of the independence of Greece and celebrating Greek and American democracy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1024

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding onto our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, ''Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $20 billion in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over $750 million in development aid for the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece is a top contributor to the defense efforts of the North Atlantic Treaty Organization (NATO), spending an estimated 3 percent of its gross domestic product on defense, and is also an active participant in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, NATO, the European Union (EU), and the Organization for Security and Cooperation in Europe (OSCE);

Whereas in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2 million spectators and journalists, which it did efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first summer Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an eight-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey, as seen most recently with the January 2008 visit to Turkey by Greece's Prime Minister Kostas Karamanlis, the first official visit by a Greek Prime Minister in 49 years;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States and their peoples;

Whereas March 25, 2008, Greek Independence Day, marks the 187th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 187th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 187 years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

□ 1430

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution, and yield myself such time as may consume.

Madam Speaker, I am delighted to support this resolution marking the 187th anniversary of Greek independence, and I would like to thank my good friend and ranking member of the Foreign Affairs Committee, Representative ROS-LEHTINEN, for her leadership in ensuring that the House mark this important date. The world owes the Greeks a debt of gratitude for having developed the concept of democracy, which has enabled so much of the world to live in peaceful prosperity.

The story of Greek independence remains a remarkable tale about the revival of an ancient and great people through deep commitment, personal sacrifice, and an abiding love of freedom. Indeed, Western Civilization is deeply indebted to the Greek nation for its immense contributions in the fields of science, medicine, philosophy and art, just to name a few.

In 2004, the world celebrated this rich history and heritage as the Summer Olympics came home to Greece. This beautiful Mediterranean country showcased the best of its culture and hospitality.

In modern times, Greece has remained one of the United States' most important and enduring allies. Greece is one of the relatively few nations that stood shoulder-to-shoulder with the United States in every major war of the 20th century. The close links between our countries increased after World War II as the Truman Doctrine helped save Greece from communism, while the Marshall Plan aided its economic regeneration.

When Greece joined NATO in 1952, it formalized the deep mutual commitment that it shared with the Western world to safeguard freedom. After becoming a member of the European Union in 1981, Greece further deepened its relations with its European neighbors. It also underwent a notable economic transformation with the exchange of the drachma for the euro in 2002, highlighting its economic prosperity.

Greece has remained a strategic partner in the post-Cold War world, notably helping to promote peace and stability in the Balkans. The January 2008 visit by Greece Prime Minister Kostas Karamanlis to Turkey, the first such official visit in 49 years, was a welcome development in these countries' efforts to resolve their differences.

Since the tragic attacks on the United States on 9/11, Greece has remained a steadfast ally in the fight against violent extremism. Plagued for many years by domestic acts of terror, Greece knows only too well the financial, mental, and physical toll that terrorism can wreak on a nation.

In closing, it is also important to highlight the rich contributions that Greek immigrants and their descendants have made to the United States; I know this firsthand, representing a great number in the County of Queens, New York. For over a century, they have traveled across the ocean, bringing their success to our shores, and in doing so serving as a bridge between our two nations. Today, some 5 million Americans claim Greek ancestry. We are grateful for the wisdom, energy, and talent they continue to bestow upon our great Nation.

Madam Speaker, I congratulate the Greek people on the 187th anniversary of their independence from Ottoman rule. I ask my colleagues to join me in congratulating them on their tremendous contributions to world civilization and in celebrating the enduring Greek-American friendship.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of House Resolution 1024. The Republic of Greece is an important friend and ally of the United States. The links between Greece and the United States involve political philosophy, values, a concrete alliance, and important actions. Greece is the birthplace of Western Civilization and modern democracy, and it is from Greece that our Founding Fathers drew so many important principles of government, law, and freedom. Today, our two nations continue to share the values that we hold dear: liberty, freedom, and democracy.

Greece and the United States have also stood together resolutely throughout difficult times during the last century, particularly during the Second World War. Greece, in fact, is one of the few nations that has supported America in every major conflict over the past century.

After the end of World War II, Greece joined in a formal alliance with the United States, through NATO, and went on to broaden its commitment to

democracy, freedom, and human rights through its notable contributions to international peacekeeping and stability missions.

Today, as America faces a complex array of threats posed by extremism around the world, Greece indeed remains a valuable strategic partner. Most notably, Greece provided access to its airspace for American military aircraft en route to Iraq and allowed our U.S. Navy ships to refuel in its ports.

Through its substantial economic investment and aid to the Balkans, Greece has also sought to play an important role as an agent of stability in that important region, supplementing the efforts by the United States and the European Union to end the conflicts in that region. Recent efforts on the part of the Government of Greece to deal constructively with its neighbor Turkey on outstanding issues where they have differences show hope for ensuring future stability throughout the Aegean Sea region, an outcome the United States seeks as well.

Madam Speaker, this resolution notes that this year marks the 187th anniversary of the beginning of the revolution that led to the independence of Greece. There are approximately 1.3 million Americans of Greek descent living in the United States. A large number of Greek Americans live in northern Illinois, particularly the Chicago area. Greek Americans contribute significantly as community leaders, entrepreneurs, and mentors for young children. The Greek Orthodox Church in the United States and important Greek community organizations are positive forces and should be recognized also.

So I welcome the opportunity afforded by our consideration of this resolution to point out the friendship and shared interests of our two countries. I congratulate the country and people of Greece for the progress they have made over the past 187 years, and I urge the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that the gentlewoman from Nevada (Ms. BERKLEY) control the remaining portion of my time.

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

There was no objection.

Ms. BERKLEY. Madam Speaker, I yield myself 2 minutes.

I thank the gentleman for yielding and for giving me the opportunity to control the time on this issue. I rise today not only as a friend of Greece, but also as a daughter of Greece. My mother's family immigrated from Salonika, Greece, and I am very proud of my Greek-Jewish heritage.

Greece has been a strong ally of the United States, standing by us in our struggles against Nazism, and now in the struggle against Islamic extremism. Greece paid an extraordinarily high price for their opposition to the Nazis, and we are forever grateful to them.

Before World War II, half of the population of Salonika, Greece, around 80,000 people, were Jewish. After the Nazis finished with Greece, there were only 1,000 Jews left in Salonika. The reason 1,000 Jews survived is because their Greek neighbors protected them, saved them, hid them; and for that I am grateful as well.

Greece continues to be a top contributor to NATO and a leader in the Balkan region. The resolution before the House today extends our best wishes and congratulations to the people of Greece, whom we look to as our forebearers in democracy. I am proud to cosponsor this resolution, but I hope it is our first word on our friendship with Greece, and certainly not our last.

I urge this House and this administration to strengthen our relationship with Greece by including them in the Visa Waiver Program. By designating Greece as such, we will send not only a message of friendship, but a message of thanks to the Greek community, which is so deserving of our friendship and our gratitude. They have met the criteria to become a visa waiver country and only await our approval on their application.

On this anniversary, let us take concrete action to strengthen our bond with them and send a message of thanks to our friends in Greece.

I reserve the balance of my time.

Mr. MANZULLO. I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman, and thank you, Representative BERKLEY, for those kind words on my grandparents' country. I am so proud of my Greek heritage.

Madam Speaker, I rise today with great pride and in strong support of House Resolution 1024, recognizing the 187th anniversary of Greek independence and celebrating Greek and American democracy.

Like the American revolutionaries who fought for independence and established this great Republic we call the land of the free and the home of the brave, Greek freedom fighters began an arduous struggle to win independence for Greece and its people 187 years ago. When the Greeks began this glorious revolution after four centuries of Ottoman oppression, they faced what appeared to be insurmountable odds. It was David versus Goliath.

On March 25, 1821, Archbishop Germanos of Patras raised the flag of freedom and was the first to declare Greece free. This day of rebellion was not chosen by chance. This holy day was dedicated to the Mother of God. To the Greeks of 1821, Theotokos was their champion, their savior, their protector. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. It was proved to the world that a united people through sheer will and perseverance can prevail against tyranny.

The lessons the Greeks taught us then continue to provide strength to victims of persecution around the world today. By honoring the Greek struggle for independence, we reaffirm the values and ideas that make our Nation great. We also remember why freedom is so important.

In the history of the Greek war for independence, there were many acts of heroism. From Theodoros Kolokotronis, the leader of the Klephts, who refused to submit to Ottoman domination, to the fiercely patriotic women of Suli, who, left alone, learned that Turkish troops were fast approaching their village, they began to dance the Syrtos, a patriotic Greek dance. One by one, they committed suicide by throwing themselves and their children off a mountain top. They chose to die rather than surrender and face slavery.

There was also Athanasios Diakos, a legendary hero, a priest, a patriot, and a soldier. In full knowledge of their fatal fate, he led 500 of his men in a notable stand against 8,000 Ottoman soldiers. Diakos' men were wiped out and he fell into the enemy's hands, where he was tortured before his death. He is the image of a Greek that gave all for love of faith and homeland. Long live his memory.

Although many Greeks died, they were undeterred from their ultimate goal. ''Eleftheria I Thanatos,'' liberty or death, became their battle cry.

These legends underscore Greece's absolute commitment to independence. As we all know, the price of liberty can be very high, hundreds of thousands of lives. Socrates, Plato, Pericles and many other great minds throughout history warned that we maintain democracy only at a great cost.

Our Greek brothers earned their liberty with blood, as did our American forefathers. The freedom we enjoy today is due to the sacrifices made by men and women in the past. I take great pride in both, as I said, my Greek and American heritage. Each time I perform my constitutional duties, I am doing so in the legacy of the ancient Greeks and our American forefathers.

As Thomas Jefferson once said, ''To the ancient Greeks we are all indebted for the light which led ourselves, American colonists, out of gothic darkness.''

We celebrate Greek independence to reaffirm the common democratic heritage we share. And as Americans, we must continue to pursue this spirit of freedom and liberty that characterizes both of these great nations.

Ms. BERKLEY. Madam Speaker, it gives me great pleasure to yield 3 minutes to my friend and neighbor, the gentlewoman from New York (Mrs. MALONEY), the chairwoman of the Subcommittee on Financial Institutions.

Mrs. MALONEY of New York. I thank my colleague and friend for yielding and for her leadership.

As an original cosponsor of this legislation and co-Chair and founder of the Congressional Caucus on Hellenic issues, I rise to celebrate the 187th anniversary of Greece's declaration of independence from the Ottoman Empire.

Against incredibly difficult odds, the Greeks defeated one of the most powerful empires in history to win their independence. Following 400 years of Ottoman rule, in March 1821 Bishop Germanos raised the traditional Greek flag at the monastery of Agia Lavras, inciting his countrymen to rise up against the Ottoman army. Bishop Germanos' message to his people was clear: A new spirit was about to born in Greece. The following year, the Treaty of Constantinople established full independence of Greece.

New York City is home to the largest Hellenic population outside of Greece and Cyprus. Western Queens, which I have the honor of representing, is often called ''Little Athens'' because of the large Hellenic population in that neighborhood.

□ 1445

New Yorkers celebrate Greek Independence Day with a parade down Fifth Avenue, along with many cultural events.

These events, hosted by the Federation of Hellenic Societies and other Hellenic and philhellenic organizations and friends, remind us of the strong Hellenic American community's many strong contributions to our Nation's history and culture. Relations between the U.S. and Greece remain strong with a shared commitment to ensuring stability in southeastern Europe. I hope permanent solutions can be found for ending the division of Cyprus and finding a mutually agreeable name for the former Yugoslav Republic of Macedonia.

We have over 110 cosponsors of my legislation, and with the upcoming NATO summit, the time is more important than ever to find a solution to the name dispute.

Additionally, I strongly support the inclusion of Greece in the Visa Waiver Program, and I have legislation before this body on this issue. Greece is the only member of the original 15 European nations not to belong to the Visa Waiver Program, and I was pleased that the administration formally nominated Greece for the Visa Waiver Program this September, and we will continue to monitor Greece's progress.

I ask the Nation to join me in celebrating Greece's independence. Additionally, it is my sincere pleasure to pay tribute to New York's Hellenic American community for its many, many contributions to our city and our Nation. ''Zeto E Eleftheria,'' long live freedom.

May we join in celebrating Greece's independence and its many contributions to our democracy through its form of government and its history.

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

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. SIRES).

Mr. SIRES. Madam Speaker, today I rise in strong support of House Resolution 1024, honoring the 187th anniversary of the independence of Greece. March 25 marks the day the Greek people were freed from the Ottoman Empire and asserted their rights to govern themselves.

The citizens of Greece and the United States share a long history of Democratic ideals. The philosophical and political ideas of the ancient Greeks were an inspiration to the Founders of our democracy. Showing our support for Greek independence reminds us how important it is to continue defending freedom around the world. We must also remember those individuals that have fought on behalf of the freedom we share.

Greece is a friend and ally, and when it comes to helping promote freedom and stability in their region and the global community, I am pleased to honor Greece today on its 187th anniversary, and I urge all my colleagues to support this resolution.

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

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the gentlelady from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, I rise today in strong support of this resolution extending warm congratulations and best wishes to the people of Greece as they celebrate the 187th anniversary of their independence. In January, I joined a congressional delegation trip to Greece, Turkey, Kuwait, Iraq, and Afghanistan.

I had not been in Greece in over 25 years, and it was wonderful to see how far this most beautiful country has come in the last quarter century, as hosting the 2004 Summer Olympics in Athens, Greece, made a tremendous investment in their infrastructure and cultivated new developments which have greatly enhanced their prosperity.

My husband Paul's family emigrated from Greece to Lowell, Massachusetts, when Paul's father was 3 years old. His father is emblematic of a vibrant Greek American community in Massachusetts and across the country whose contributions have helped our Nation survive and thrive.

The United States and Greece have longstanding ties based on our common heritage, shared values and a mutual commitment to freedom and democracy.

This measure rightly expresses the House of Representatives' support for the important role that Greece has played in the wider region and in the community of nations since gaining its independence 187 years ago.

I urge my colleagues to support this resolution.

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

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the outstanding freshman from Maryland (Mr. SARBANES).

Mr. SARBANES. Madam Speaker, it is my honor to rise today in recognition of the 187th anniversary of Greek independence. The Greek people have proven to be the greatest of allies to the United States over many decades.

Today we have new opportunities to demonstrate our support of Greece on key issues. Most immediate is the dispute over the name of the former Yugoslav Republic of Macedonia. I urge the administration to help us celebrate Greek Independence Day by supporting Greece's position on this important issue. Greece's position makes sense for NATO, it makes sense for the United States, and it makes sense for peaceful international relations.

Mr. WEXLER. Madam Speaker, I rise in strong support of H. Res. 1024, a resolution expressing support for the 187th anniversary of Greek independence.

Madam Speaker, it was one year to the day that I joined my colleagues on the House Floor in paying tribute to one of America's most important allies, Greece. It was my honor at that time as it is today to pay tribute once again to Greek Independence Day and to offer my unwavering support for US-Greece bilateral relations.

As someone who cares deeply about the issues of importance to the Greek American community, I believe this is an especially important day—one that is a reminder of America's long and historic partnership with Greece but also a day to celebrate the countless contributions of the Greek American community to this Nation.

From the Balkans to Afghanistan to the war on terrorism, Greece has been a staunch ally of the United States and a leading advocate for democracy and the rule of law globally. To that end, it is critical over the coming weeks that the United States works closely with our NATO ally Greece and with officials in Skopje to find a mutually-acceptable official name for the former Yugoslav Republic of Macedonia.

I also strongly encourage the Bush administration to work with our partners in Athens to resolve the longstanding division on Cyprus. It is in the interests of the United States, European Union, Greece, Turkey as well as Greek and Turkish Cypriots that we build on the recent election of President Christofias who boldly pledged to ''extend a hand of friendship and cooperation to the Turkish Cypriots and their political leadership,'' and to ''invite them to work together towards our common goal for the good of Cyprus and its people.''

Madam Speaker, Greece is known as the cradle of democracy. As Americans watch one of the most exciting elections in modern history, it is a reminder of what Greece gave to America and those nations seeking to perfect their democracy and civic society. These ideals crafted by Greek philosophers and put into practice both in Washington, Athens and globally have changed all of humankind.

As a member of Congress who proudly represents a large Greek American community, I am deeply pleased that we have this opportunity on the House Floor to discuss the contributions of millions of Greek Americans and to pass a resolution that rightfully recognizes five million extraordinary citizens.

Madam Speaker, I congratulate the Greek people on the 187th anniversary of their independence and strongly support this resolution.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of H. Res. 1024, which celebrates the 187th anniversary of the independence of Greece, one of our country's closest and oldest allies. A longstanding member of NATO, Greece has played a pivotal role in the stability and development of the Balkans and the eastern Mediterranean region. It has invested over $20 billion in the countries of the region, contributing to the increasing economic vitality of the area. Greece has also contributed to peacekeeping operations that have been sponsored by the United Nations, the European Union, and the Organization on Security and Cooperation in Europe. In addition, it has closely collaborated with the United States in opposing and fighting terrorists and terrorist networks.

Ancient Greece was the birthplace of democracy, and our country's Founding Fathers took much of their inspiration from reading the philosophers of that time and place as they created a fledgling new democracy here in the late 18th century. A century later, many Greek immigrants began to arrive at our shores, bringing with them a steadfast determination to succeed in realizing the American Dream. The Greek-American community, strengthened by new waves of immigration, has contributed to our society in numerous ways; many within the community have become leaders in the field of commerce, academia, the arts, and politics. They have also been instrumental in fostering close ties between the United States and Greece. As we celebrate the independence of Greece today, we also celebrate the accomplishments of the vibrant Greek-American community.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to show my support for H. Res. 1024.

This resolution recognizes the 187th anniversary of the independence of Greece and celebrates Greek and American democracy.

On March 25, 1821, Greece declared its independence from the Ottoman Empire, and the United States and Greece have had a longstanding relationship ever since.

The Greek community is particularly active in our own country.

Greece shares our democratic values and principles and has been an important ally to the United States, particularly since World War I.

As the most senior EU and NATO country in their region, they serve as a great role model for democracy, stability, and security for other countries in their region.

I look forward to continued bilateral relations and friendship with Greece as we work together to address the issues in Southeast Europe.

Mr. GARRETT of New Jersey. Madam Speaker, as a member of the Congressional Caucus on Hellenic Affairs, I am proud to congratulate the nation of Greece on the celebration of the 187th anniversary of independence. Ancient Greece is commonly thought of as the foundation for Western civilization. The Roman Empire borrowed much from Greek culture, including politics, philosophy, art, architecture, and language; and subsequently spread these ideas throughout Europe.

However, the country often thought of as the "Cradle of Democracy" was conquered and governed by various empires for centuries. On March 25, 1821, the Greek people rose up against Ottoman oppression and declared their independence. The Greeks later became the first ethnic group under the Ottoman Empire to gain independent sovereign power.

America's early Founding Fathers adopted the concept of federalism, an idea influenced by the ancient Greek "city-state," a small region ruled locally, but within the framework of a larger cultural area. The United States has been proud to stand with the people of Greece as they confronted oppression, solidified their democracy, and became part of the vibrant European economy.

Both of our nations understand that even after independence is gained, it must be carefully guarded. Brave citizens must be willing to sacrifice their lives in order to protect liberty. Just as the U.S. and Greece have struggled to survive after the initial moment of independence was earned, we must continue to foster the causes of freedom and democracy.

Again, I congratulate the Greek people on this historic celebration. This anniversary is a time to remember the sacrifices of the past, to take pride in your nation, and to look ahead to a future of promise.

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

Ms. BERKLEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1024, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE SUPPLEMENTAL REPORT ON H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

Ms. BERKLEY. Madam Speaker, I ask unanimous consent that the Committee on Foreign Affairs be authorized to file a supplemental report on the bill H.R. 5501.

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

There was no objection.

MOTION TO ADJOURN

Mr. MANZULLO. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. MANZULLO. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. 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 5, nays 388, not voting 35, as follows:

[Roll No. 113]

YEAS—5

Baird	Gohmert	Young (AK)
Cleaver	Johnson (IL)	

NAYS—388

Abercrombie	Culberson	Hoyer
Ackerman	Cummings	Hulshof
Aderholt	Davis (AL)	Hunter
Akin	Davis (CA)	Inglis (SC)
Alexander	Davis (KY)	Inslee
Allen	Davis, David	Israel
Altmire	Davis, Tom	Issa
Andrews	Deal (GA)	Jackson (IL)
Arcuri	DeFazio	Jackson-Lee (TX)
Baca	DeGette	Jefferson
Bachmann	Delahunt	Johnson (GA)
Bachus	DeLauro	Johnson, E. B.
Baldwin	Dent	Johnson, Sam
Barrett (SC)	Diaz-Balart, L.	Jones (NC)
Barrow	Diaz-Balart, M.	Jones (OH)
Bartlett (MD)	Dicks	Jordan
Barton (TX)	Dingell	Kagen
Becerra	Doggett	Kanjorski
Berkley	Donnelly	Keller
Berman	Doolittle	Kennedy
Berry	Doyle	Kildee
Biggert	Drake	Kind
Bilbray	Dreier	King (IA)
Bilirakis	Duncan	King (NY)
Bishop (GA)	Edwards	Kingston
Bishop (NY)	Ehlers	Kirk
Bishop (UT)	Ellison	Klein (FL)
Blumenauer	Ellsworth	Kline (MN)
Blunt	Emanuel	Knollenberg
Boehner	Emerson	Kucinich
Bonner	Engel	Kuhl (NY)
Bono Mack	English (PA)	LaHood
Boozman	Eshoo	Lamborn
Boren	Etheridge	Lampson
Boswell	Everett	Langevin
Boucher	Fallin	Larsen (WA)
Boustany	Farr	Latham
Boyd (FL)	Fattah	LaTourette
Boyda (KS)	Feeney	Latta
Brady (PA)	Ferguson	Lee
Brady (TX)	Filner	Levin
Braley (IA)	Flake	Lewis (CA)
Broun (GA)	Forbes	Lewis (GA)
Brown (SC)	Fortenberry	Lewis (KY)
Brown, Corrine	Fossella	Linder
Brown-Waite, Ginny	Foxx	Lipinski
Buchanan	Frank (MA)	LoBiondo
Burgess	Franks (AZ)	Loebsack
Burton (IN)	Frelinghuysen	Lofgren, Zoe
Butterfield	Gallegly	Lowey
Buyer	Garrett (NJ)	Lucas
Calvert	Gerlach	Lungren, Daniel E.
Camp (MI)	Giffords	Lynch
Campbell (CA)	Gillibrand	Mack
Cannon	Gonzalez	Mahoney (FL)
Cantor	Goode	Maloney (NY)
Capps	Goodlatte	Manzullo
Capuano	Gordon	Marchant
Cardoza	Granger	Marshall
Carnahan	Graves	Matheson
Carney	Green, Al	Matsui
Carter	Green, Gene	McCarthy (CA)
Castle	Grijalva	McCarthy (NY)
Castor	Gutierrez	McCaul (TX)
Chabot	Hall (NY)	McCollum (MN)
Chandler	Hall (TX)	McCotter
Clarke	Hare	McDermott
Clay	Harman	McGovern
Clyburn	Hastings (FL)	McHenry
Coble	Hastings (WA)	McHugh
Cohen	Hayes	McIntyre
Cole (OK)	Heller	McKeon
Conaway	Hensarling	McMorris Rodgers
Conyers	Herger	McNulty
Costa	Herseth Sandlin	Meek (FL)
Costello	Higgins	Melancon
Courtney	Hill	Mica
Cramer	Hinojosa	Michaud
Crenshaw	Hirono	Miller (FL)
Crowley	Hobson	Miller (MI)
Cubin	Hodes	Miller, Gary
Cuellar	Hoekstra	Miller, George
	Holt	Mitchell
	Honda	Mollohan

Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—35

Bean
Blackburn
Capito
Cooper
Davis (IL)
Davis, Lincoln
Garrett (NJ)
Gilchrest
Gingrey
Hinchey
Holden
Hooley
Kaptur
Kilpatrick
Larson (CT)
Markey
McCrery
McNerney
Meeks (NY)
Mitchell
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Ros-Lehtinen
Rush
Shea-Porter
Souder
Thompson (MS)
Udall (CO)
Velázquez
Weldon (FL)
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Mr. BRADY of Pennsylvania, Mrs. CUBIN and Messrs. LEWIS of Georgia, VISCLOSKY, MEEK of Florida, and MAHONEY of Florida changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

H. Con. Res. 313. Concurrent Resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5563) to reauthorize and reform the national service laws.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5563

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Generations Invigorating Volunteerism and Education Act'' or the ''GIVE Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes; sense of Congress.
Sec. 1102. Definitions.

Subtitle B—Amendments to Subtitle B (Service-Learning)

Sec. 1201. School-based allotments.
Sec. 1202. Higher education provisions.
Sec. 1203. Innovative programs and research.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.
Sec. 1302. E–Corps and technical amendments to types of programs.
Sec. 1303. Types of positions.
Sec. 1304. Conforming repeal relating to training and technical assistance.
Sec. 1305. Assistance to State Commissions; challenge grants.
Sec. 1306. Allocation of assistance to States and other eligible entities.
Sec. 1307. Additional authority.
Sec. 1308. State selection of programs.
Sec. 1308A. National service program assistance requirements.
Sec. 1309. Consideration of applications.
Sec. 1310. Description of participants.
Sec. 1311. Selection of national service participants.
Sec. 1312. Terms of service.
Sec. 1313. Adjustments to living allowance.

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

Sec. 1401. Availability of funds in the National Service Trust.
Sec. 1402. Individuals eligible to receive a national service educational award from the Trust.
Sec. 1403. Determination of the amount of national service educational awards.
Sec. 1404. Disbursement of educational awards.
Sec. 1405. Process of approval of national service positions.
Sec. 1406. Report on veterans serving in approved national service positions.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

Sec. 1501. Purpose.
Sec. 1502. Program components.
Sec. 1503. Eligible participants.
Sec. 1504. Summer national service program.
Sec. 1505. Team leaders.
Sec. 1506. Training.
Sec. 1507. Consultation with State Commissions.
Sec. 1508. Authorized benefits for Corps members.
Sec. 1509. Permanent cadre.
Sec. 1510. Contract and grant authority.
Sec. 1511. Other departments.
Sec. 1512. Advisory Board.
Sec. 1513. Annual evaluation.
Sec. 1514. Repeal of funding limitation.
Sec. 1515. Definitions.
Sec. 1516. Terminology.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

Sec. 1601. Family and medical leave.
Sec. 1602. Additional prohibitions on use of funds.
Sec. 1603. Notice, hearing, and grievance procedures.
Sec. 1604. Resolution of displacement complaints.
Sec. 1605. State Commissions on National and Community Service.
Sec. 1606. Evaluation and accountability.
Sec. 1607. Technical amendment.
Sec. 1608. Partnerships with schools.
Sec. 1609. Rights of access, examination, and copying.
Sec. 1610. Additional administrative provisions.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

Sec. 1701. Terms of office.
Sec. 1702. Board of Directors authorities and duties.
Sec. 1703. Authorities and duties of the Chief Executive Officer.
Sec. 1704. Nonvoting members; personal services contracts.
Sec. 1705. Donated services.
Sec. 1706. Office of Outreach and Recruitment.
Sec. 1707. Study to examine and increase service programs for veterans and veterans participation in programs under the national service laws and to develop pilot program.
Sec. 1708. Coordination with veterans organizations serving veterans with disabilities.
Sec. 1709. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.

Subtitle H—Amendments to Subtitle H

Sec. 1801. Technical amendments to subtitle H.
Sec. 1802. Repeals.
Sec. 1803. Innovative and model program support.
Sec. 1804. Clearinghouses.

Subtitle I—Energy Conservation Corps

Sec. 1811. General authority.
Sec. 1812. Application.
Sec. 1813. Focus of programs.
Sec. 1814. Training and education services.
Sec. 1815. Preference for certain projects.
Sec. 1816. Participants.
Sec. 1817. Use of volunteers.
Sec. 1818. Cooperation among States for emergency response.
Sec. 1819. Federal share.
Sec. 1820. Best practices.
Sec. 1820A. Authorization of appropriations.
Sec. 1820B. Learn and Serve America.
Sec. 1820C. National Senior Service Corps.

Subtitle J—Training and Technical Assistance

Sec. 1821. Training and technical assistance.

Subtitle K—Repeal of Title III (Points of Light Foundation)
Sec. 1831. Repeal.
Subtitle L—Amendments to Title V (Authorization of Appropriations)
Sec. 1841. Authorization of appropriations.
TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973
Sec. 2001. References.
Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)
Sec. 2101. Purpose.
Sec. 2102. Purpose of the VISTA program.
Sec. 2103. Applications.
Sec. 2104. VISTA programs of national significance.
Sec. 2105. Terms and periods of service.
Sec. 2106. Support Service.
Sec. 2107. Sections repealed.
Sec. 2108. Conforming amendment.
Sec. 2109. Financial assistance.
Subtitle B—Amendments to Title II (National Senior Volunteer Corps)
Sec. 2201. Change in name.
Sec. 2202. Purpose.
Sec. 2203. Grants and contracts for volunteer service projects.
Sec. 2204. Foster Grandparent Program grants.
Sec. 2205. Senior Companion Program grants.
Sec. 2206. Promotion of National Senior Service Corps.
Sec. 2207. Technical amendments.
Sec. 2208. Programs of national significance.
Sec. 2209. Additional provisions.
Sec. 2210. Authority of Director.
Subtitle C—Amendments to Title IV (Administration and Coordination)
Sec. 2301. Nondisplacement.
Sec. 2302. Notice and hearing procedures.
Sec. 2303. Definitions.
Sec. 2304. Protection against improper use.
Subtitle D—Amendments to Title V (Authorization of Appropriations)
Sec. 2401. Authorization of appropriations for VISTA and other purposes.
Sec. 2402. Authorization of appropriations for National Senior Service Corps.
Sec. 2403. Administration and coordination.
TITLE III—AMENDMENTS TO OTHER LAWS
Sec. 3101. Inspector General Act of 1978.
TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS
Sec. 4101. Table of contents for the National and Community Service Act of 1990.
Sec. 4102. Table of contents for the Domestic Volunteer Service Act of 1973.
TITLE V—EFFECTIVE DATE
Sec. 5101. Effective date.
Sec. 5102. Service assignments and agreements.
TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE
Sec. 6101. Short title.
Sec. 6102. Findings.
Sec. 6103. Establishment.
Sec. 6104. Duties.
Sec. 6105. Membership.
Sec. 6106. Director and Staff of Commission; Experts and Consultants.
Sec. 6107. Powers of Commission.
Sec. 6108. Reports.
Sec. 6109. Termination.
TITLE VII—SENSE OF CONGRESS
Sec. 7101. Sense of Congress.
TITLE VIII—SENSE OF CONGRESS
Sec. 8101. Sense of Congress.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Subtitle A—Amendments to Subtitle A (General Provisions)

SEC. 1101. PURPOSES; SENSE OF CONGRESS.

(a) PURPOSES.—Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking ''community throughout'' and inserting ''community and service throughout the varied and diverse communities of'';

(2) in paragraph (4), by inserting after ''income,'' the following: ''geographic location,'';

(3) in paragraph (6), by inserting after ''existing'' the following: ''national'';

(4) in paragraph (7)—

(A) by striking ''programs and agencies'' and inserting ''programs, agencies, and communities''; and

(B) by striking ''and'' at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

''(9) expand and strengthen service-learning programs through year-round opportunities, including during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community to children and youth throughout the United States;

''(10) assist in coordinating and strengthening Federal and other citizen service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

''(11) increase service opportunities for our Nation's retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions to improve the education of our Nation's youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older Americans;

''(12) encourage the continued service of the alumni of the national service programs, including service in times of national need; and

''(13) encourage members of the Baby Boom generation to partake in service opportunities.''.

(b) SENSE OF CONGRESS.—The Act is amended by inserting after section 2 the following:

''SEC. 3. SENSE OF CONGRESS.

''It is the sense of Congress that the number of participants in the AmeriCorps programs, including the Volunteers in Service to America (VISTA) and the National Civilian Community Corps (NCCC), should grow to reach 100,000 participants by 2012.''.

SEC. 1102. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating—

(A) paragraphs (21) through (29) as paragraphs (28) through (36), respectively;

(B) paragraphs (9) through (20) as paragraphs (15) through (26), respectively;

(C) paragraphs (7) and (8) as paragraphs (10) and (11), respectively; and

(D) paragraphs (3) through (6) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (2) the following:

''(3) APPROVED SUMMER OF SERVICE POSITION.—The term 'approved summer of service position' means a position in a program described under section 118(c)(8) for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

''(4) BABY BOOM GENERATION.—The term 'Baby Boom generation' means the generation that consists of individuals born during the period beginning with 1946 and ending with 1964.'';

(3) in paragraph (5) (as so redesignated), by striking ''described in section 122'';

(4) in paragraph (7) (as so redesignated), by striking ''church or other'';

(5) by inserting after paragraph (8) (as so redesignated) the following:

''(9) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' includes those youth who are economically disadvantaged and one or more of the following:

''(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

''(B) Who are in or aging out of foster care.

''(C) Who have limited English proficiency.

''(D) Who are homeless or who have run away from home.

''(E) Who are at-risk to leave school without a diploma.

''(F) Who are former juvenile offenders or at risk of delinquency.'';

(6) by inserting after paragraph (11) (as so redesignated) the following:

''(12) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a public or private nonprofit organization that—

''(A) has experience with service-learning or with meeting unmet human, educational, environmental, or public safety needs;

''(B) was in existence at least one year before the date on which the organization submitted an application under the national service laws; and

''(C) meets other such criteria as the Chief Executive Officer may establish.

''(13) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

''(14) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).'';

(7) in paragraph (19) (as so redesignated), by striking ''section 101(a) of the Higher Education Act of 1965'' and inserting ''sections 101(a) and 102(a)(1) of the Higher Education Act of 1965'';

(8) in paragraph (23)(B) (as so redesignated), by striking ''program in which the participant is enrolled'' and inserting ''organization receiving assistance under the national service laws through which the participant is enrolled in an approved national service position'';

(9) by inserting after paragraph (26) (as so redesignated) the following:

''(27) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.'';

(10) in paragraph (28)(B) (as so redesignated)—

(A) by striking ''602'' and inserting ''602(3)''; and

(B) by striking ''1401'' and inserting ''1401(3)''; and

(11) by adding at the end the following:

''(37) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term 'tribally controlled college or university' has the meaning given in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).''.

Subtitle B—Amendments to Subtitle B (Service-Learning)

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

"PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

"SEC. 111. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

''(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, Territories, and Indian tribes to pay for the Federal share of—

''(1) planning and building the capacity within the State, Territory, or Indian tribe to implement service-learning programs that are based principally in elementary and secondary schools, including—

''(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

''(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

''(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this part;

''(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

''(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities; and

''(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, with particular attention to schools identified for school improvement under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

''(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution of Federal funds by State educational agencies, Territories, and Indian tribes made available under this part to projects operated by local partnerships among—

''(A) local educational agencies; and

''(B) 1 or more community partners that—

''(i) shall include a public or private nonprofit organization that—

''(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

''(II) will make projects available for participants, who shall be students; and

''(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

''(ii) may include a private for-profit business, private elementary or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

''(3) planning of school-based service-learning programs, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

''(A) the salaries and benefits of service-learning coordinators; or

''(B) the recruitment, training, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

''(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to—

''(A) local educational agencies;

''(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

''(C) public or private nonprofit organizations; or

''(D) partnerships or combinations of local educational agencies and entities described in subparagraph (B) or (C).

''(b) PROGRAMS TO ENCOURAGE CIVIC ENGAGEMENT IN SERVICE LEARNING.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(1), and without regard to section 112(b), the Corporation shall reserve up to 3 percent for competitive grants to partnerships described in subsection (a)(2) for the development of service-learning programs that promote greater civic engagement among elementary and secondary school students.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, a partnership shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Partnerships receiving grants under this subsection shall use funds to develop service-learning curricula that—

''(A) promote a better understanding of the principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance;

''(B) promote a better understanding of how the Nation's government functions; and

''(C) promote a better understanding of the importance of service in the Nation's character.

''(c) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2), (3), or (5) of subsection (a) shall provide services that may include—

''(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

''(2) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects, including summer of service programs; and

''(3) carrying out such other duties as the recipient of assistance under this part may determine to be appropriate.

''(d) RELATED EXPENSES.—An entity that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

"SEC. 112. ALLOTMENTS.

''(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

''(b) ALLOTMENTS THROUGH STATES.—After reserving the amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

''(1) ALLOTMENTS.—

''(A) SCHOOL-AGE YOUTH.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States.

''(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or its successor authority bears to such allocations to all States.

''(2) DEFINITION.—Notwithstanding section 101, for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, Territory, or Indian tribe under this section will not be required for a fiscal year because the State, Territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, Territory, or Indian tribe available for grants to grantmaking entities to carry out service-learning programs as described in section 111(a) in such State, Territory, or Indian tribe. After grantmaking entities apply for the allotment with an application at such time and in such manner as the Corporation requires and receive approval, the remainder of such allotment shall be available for reallotment to such other States, Territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

''(d) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this part exceed $43,000,000, the minimum allotment to each State (as defined in section 112(b)(2)) under this section shall be $65,000.

"SEC. 113. APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive an allotment under section 112, a State, acting through the State educational agency, Territory, or Indian tribe shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.

''(b) CONTENTS.—An application for an allotment under this part shall include—

''(1) a proposal for a 3-year plan promoting service-learning, which shall contain such

information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

''(2) information about the criteria the State educational agency, Territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (c), including an assurance that the State educational agency, Territory, or Indian tribe will comply with the requirement in section 114(a);

''(3) information about the applicant's efforts to—

''(A) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

''(B) include any opportunities for students enrolled in schools or other programs of education providing elementary or secondary education to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

''(C) involve participants in the design and operation of the program;

''(D) promote service-learning in areas of greatest need, including low-income or rural areas; and

''(E) otherwise integrate service opportunities into the academic program of the participants; and

''(4) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedures required by section 176.

''(c) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

''(1) IN GENERAL.—Any—

''(A) qualified organization, Indian tribe, Territory, local educational agency, for-profit business, private elementary, middle, or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, Territory, or Indian tribe for an activity described in section 111(a)(1);

''(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Territory, or Indian tribe or grantmaking entity described in section 111(a)(2);

''(C) entity described in section 111(a)(3) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section;

''(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section; and

''(E) agency or partnership described in section 118(c)(8) that desires to receive such assistance, or approved summer of service positions, from a State, Territory, or Indian tribe for an activity described in such section to be carried out through a service-learning program described in section 111,

shall prepare, submit to the State educational agency, Territory, grantmaking entity, or Indian tribe, and obtain approval of, an application for the program.

''(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, Territory, Indian tribe, or entity may reasonably require.

''SEC. 114. CONSIDERATION OF APPLICATIONS.

''(a) PRIORITY.—In considering competitive applications under this part, the Corporation shall give priority to innovation, sustainability, capacity building, involvement of disadvantaged youth, and quality of programs, as well as other criteria approved by the Chief Executive Officer.

''(b) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State, Territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, Territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, Territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, Territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

''SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

''(a) IN GENERAL.—To the extent consistent with the number of students in the State, Territory, or Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary and secondary schools, such State, Territory, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

''(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

''(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

''(b) WAIVER.—If a State, Territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, Territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to the requirements of sections 9503 and 9504 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7883 and 7884).

''SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

''(a) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part—

''(A) for new grants, may not exceed 80 percent of the total cost for the first year of the grant, 65 percent for the second year, and 50 percent for each remaining year; and

''(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

''(2) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

''(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(B) may provide for such share through State sources or local sources, including private funds or donated services.

''(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''SEC. 117. LIMITATIONS ON USES OF FUNDS.

''Not more than 6 percent of the amount of assistance received by an applicant in a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by—

''(1) the original recipient; or

''(2) the entity carrying out the service-learning program supported with the assistance.''.

SEC. 1202. HIGHER EDUCATION PROVISIONS.

Section 119 (42 U.S.C. 12561) is redesignated as section 117 and amended—

(1) in subsection (a), by inserting after ''community service programs'' the following: ''through service-learning'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''combination'' and inserting ''consortia'';

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(C) may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at one or more members of the consortia;'';

(3) in subsection (b)(3)—

(A) in the matter preceding subparagraph (A), by striking ''teachers at the elementary, secondary, and postsecondary levels'' and inserting ''institutions of higher education and their faculty'';

(B) in subparagraph (A), by striking ''education of the institution; and'' and inserting ''curricula of the institution to strengthen the instructional capacity of service-learning at the elementary and secondary levels;'';

(C) by redesignating subparagraph (B) as subparagraph (E); and

(D) by inserting after subparagraph (A) the following:

''(B) including service-learning as a key component of the health professionals curricula, including nursing, pre-medicine, medicine, and dentistry curricula of the institution;

''(C) including service-learning as a key component of the criminal justice professionals curricula of the institution;

''(D) including service-learning as a key component of the public policy and public administration curricula of the institution; and'';

(4) by striking subsections (c), (d), (e), and (g);

(5) by redesignating subsection (f) as (i); and

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

''(c) SPECIAL CONSIDERATION.—To the extent practicable, the Corporation shall give special consideration to applications submitted by predominantly Black institutions, Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal Colleges and Universities, and community colleges serving predominantly minority populations.

''(d) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated,

including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''(e) APPLICATION FOR GRANT.—

''(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an applicant shall prepare, submit to the Corporation, and obtain approval of, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

''(A) assurances that—

''(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

''(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedures required by section 176; and

''(B) such other assurances as the Chief Executive Officer may reasonably require.

''(f) PRIORITY.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants or institutions that submit applications containing proposals that—

''(1) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

''(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

''(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

''(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

''(A) the institution;

''(B)(i) a community-based agency;

''(ii) a local government agency; or

''(iii) a non-profit entity that serves or involves school-age youth, older adults, or low-income communities; and

''(C)(i) a student organization;

''(ii) a department of the institution; or

''(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

''(5) demonstrate community involvement in the development of the proposal;

''(6) describe research on effective strategies and methods to improve service utilized in the design of the project;

''(7) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

''(8) with respect to projects involving delivery of services, specify projects that involve leadership development of school aged youth.

''(g) DEFINITION.—Notwithstanding section 101, as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

''(h) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education must demonstrate that it meets the minimum requirements under section 443(b)(2)(B) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(B)) relating to the participation of Federal Work-Study students in community service activities, or has received a waiver of those requirements from the Secretary of Education.''.

SEC. 1203. INNOVATIVE PROGRAMS AND RESEARCH.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is further amended by adding after part II the following new part:

''PART III—INNOVATIVE SERVICE–LEARNING PROGRAMS AND RESEARCH

''SEC. 118. INNOVATIVE DEMONSTRATION SERVICE-LEARNING PROGRAMS AND RESEARCH.

''(a) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants and fixed amount grants under subsection (f) with eligible entities for activities described in subsection (c).

''(b) ELIGIBLE ENTITIES DEFINED.—For purposes of this part, the term 'eligible entity' means a State education agency, a State commission, a Territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including grant-making entities), a public or private elementary or secondary school, a local educational agency, or a consortia of such entities, where a consortia of two or more such entities may also include a for-profit organization.

''(c) AUTHORIZED ACTIVITIES.—Funds under this part may be used to—

''(1) integrate service-learning programs into the science, technology, engineering, and mathematics (STEM) curricula at the elementary, secondary, or post-secondary, and post-baccalaureate levels in coordination with practicing or retired STEM professionals;

''(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low income housing and in public spaces;

''(3) involve students in service-learning projects in emergency and disaster preparedness;

''(4) involve students in service-learning projects aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including in low income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

''(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency disaster preparedness needs in their community;

''(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

''(7) conduct innovative and creative activities as described in section 111(a);

''(8) establish or implement summer of service programs during the summer months, including the cost of recruitment, training, and placement of service-learning coordinators—

''(A) for youth who will be enrolled in any grade from grade 6 through grade 12 at the end of the summer concerned;

''(B) for community-based service-learning projects that—

''(i) shall—

''(I) meet unmet human, educational, environmental (including energy conservation and stewardship), emergency and disaster preparedness, and public service needs; and

''(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community; and

''(ii) may include the extension of academic year service-learning programs into the summer months;

''(C) under which any student who completes 100 hours of service in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f), shall be eligible for a summer of service educational award of not more than $500 (or, at the discretion of the Chief Executive Officer, not more than $1,000 in the case of a participant who is economically disadvantaged) from funds deposited in the National Service Trust and distributed by the Corporation as described in section 148; and

''(D) subject to the limitation that a student may not receive more than 2 summer of service educational awards from funds deposited in the National Service Trust; and

''(9) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

''(d) PRIORITY.—Priority shall be given to programs that—

''(1) involve students and community stakeholders in the design and implementation of the service-learning program;

''(2) implement service-learning programs in low-income or rural communities; and

''(3) utilize adult volunteers, including tapping the resource of retired and retiring adults, in the planning and implementation of the service-learning programs.

''(e) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) COLLABORATION ENCOURAGED.—Each program funded under this part is encouraged to collaborate with other Learn and Serve programs, AmeriCorps, VISTA, and the National Senior Service Corps.

''(3) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies and recommendations for improvement.

''(f) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(3) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 75 percent of the total cost of the program in the first year of the grant and 50 percent of the total cost of the program in the remaining years of the grant, including if the grant is extended for a fourth year.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(g) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ''subdivisions of States,'' the following: ''Territories,'';

(2) in subsection (b)—

(A) in the heading, by striking ''AGREEMENTS WITH FEDERAL AGENCIES'' and inserting ''RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES'';

(B) in paragraph (1)—

(i) in the first sentence by striking ''by the agency.'' and inserting ''by the agency, including programs under the Public Lands Corps and Urban Youth Corps as described in section 122(a)(2).''; and

(ii) by striking the second sentence;

(C) by striking paragraph (2) and inserting the following:

''(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.''; and

(D) in paragraph (3)—

(i) by striking ''receiving assistance under this subsection'' and inserting ''operating a national service program''; and

(ii) by striking ''using such assistance'';

(3) in subsection (c)(2)(B), by striking ''to be provided'' and inserting ''to be provided or otherwise approved'';

(4) in subsection (d)—

(A) in the subsection heading, by striking ''FIVE'' and inserting ''SIX''; and

(B) in paragraph (1), by striking ''5 percent'' and inserting ''6 percent''; and

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''section 140'' and inserting ''paragraph (2)'';

(ii) by striking ''Federal share of the cost'' and inserting ''Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation and other necessary operation costs,'';

(iii) by striking ''may not exceed 75 percent of such cost.'' and inserting ''may not exceed—''; and

(iv) by adding at the end the following:

''(A) for the first three years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the fourth through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 percent and 50 percent, as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 50 percent of such cost.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

''(2) ALTERNATIVE CORPORATION SHARE FOR PROGRAMS IN RURAL OR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.—Upon approval by the Corporation, the Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation, of carrying out a national service program that receives assistance under subsection (a) and that is located in a rural or severely economically distressed community may not exceed—

''(A) for the first six years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the seventh through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 and 65 percent as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 65 percent of such cost.'';

(E) in paragraph (3) (as so redesignated), in subparagraph (B), by inserting after ''other Federal sources'' the following: ''including funds authorized under Youthbuild (section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a))''; and

(F) by adding at the end the following:

''(5) OTHER FEDERAL FUNDS.—

''(A) RECIPIENT REPORT.—A recipient of assistance under section 121 shall report to the Corporation the amount and source of any Federal funds used to carry out the program other than those provided by the Corporation.

''(B) CORPORATION REPORT.—The Corporation shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on an annual basis information regarding each recipient that uses Federal funds other than those provided by the Corporation to carry out the program, including amounts and sources of other Federal funds.''.

SEC. 1302. E–CORPS AND TECHNICAL AMENDMENTS TO TYPES OF PROGRAMS.

Section 122 (42 U.S.C. 12572) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''including'' and all that follows through the semicolon at the end and inserting ''including projects involving urban renewal, sustaining natural resources, or improving human services;'';

(ii) in subparagraph (B), by striking ''including'' and inserting ''and at least 50 percent of whom are''; and

(iii) in subparagraph (C)(i), by inserting '', including mentoring'' before the semicolon;

(C) in paragraph (6)—

(i) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) students participating in service-learning programs at an institution of higher education.'';

(D) in paragraph (7)(A), by inserting '', including elementary and secondary education, and other professions such as those in health care, criminal justice, environmental stewardship and conservation, or public safety'' before the semicolon;

(E) in paragraph (8)(C), by striking ''nonprofit'';

(F) in paragraph (9), by striking ''between the ages of 16 and 24'' and inserting ''between the ages of 16 and 25'';

(G) in paragraph (10), by striking ''gifted young adults'' and all that follows through the period at the end and inserting ''school-age youth and young adults of all backgrounds, including gifted youth, along with established successful entrepreneurs of all backgrounds and professions from the community in which the program exists to—

''(A) train the participants in utilizing problem-solving, entrepreneurship, and communication skills to design solutions to community problems; and

''(B) collaborate with stakeholders in the communities to implement the solutions devised by the participants in subparagraph (A).'';

(H) in paragraph (12)(A), by striking ''learning and recreation'' and inserting ''learning, recreation, and mentoring'';

(I) in paragraph (13), by striking ''and to combat rural poverty, including'' and inserting '', including the issues of rural poverty,'';

(J) by redesignating paragraph (15) as paragraph (19); and

(K) by inserting after paragraph (14) the following:

''(15) An E–Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs which seek to increase access to technology and the benefits thereof in such community.

''(16) A program that engages citizens in public safety, public health, and emergency and disaster preparedness, and may include the recruitment and placing of qualified participants in positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers, and may engage Federal, State, and local stakeholders in collaboration to organize more effective responses to issues of public safety and public health, emergencies, and disasters.

''(17) A program, initiative, or partnership that seeks to expand the number of mentors for youths (including by recruiting high-school and college-aged individuals to enter into mentoring relationships), including mentors for disadvantaged youths, either through provision of direct mentoring services, provision of supportive services to direct mentoring service organizations (in the case of a partnership), or through the creative utilization of current and emerging technologies to connect youth with mentors.

''(18) A program that has the primary purpose of re-engaging court-involved youth and adults with the goal of reducing recidivism.'';

(2) by redesignating subsections (b) and (c) as (c) and (d), respectively;

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

''(b) INNOVATIVE PROGRAMS TO MEET THE NEEDS OF VETERANS.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(2), the Corporation shall reserve up to 3 percent for competitive grants to eligible recipients under subsection (a) for the development, either directly or through subgrants to other entities, of innovative initiatives to address the unique needs of veterans.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, an entity described in paragraph (1) shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Entities receiving grants under this subsection shall use funds to develop initiatives that—

''(A) recruit veterans, particularly returning veterans, into service opportunities;

''(B) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(C) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.'';

(4) in subsection (c) (as so redesignated), in paragraph (4), by inserting after ''out-of-school youths,'' the following: ''disadvantaged youths,'';

(5) in subsection (d) (as so redesignated), in paragraph (1)—

(A) in subparagraph (A), by striking ''subsection (b) or (d) of''; and

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

''(C) PRIORITY FOR VETERANS.—Priorities established under subparagraphs (A) and (B) shall include priorities for programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.''; and

(6) by adding at the end the following:

''(e) REQUIREMENTS FOR TUTORS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

''(A) either—

''(i) obtained their high school diploma; or

''(ii) passed a proficiency test demonstrating that such individuals have the skills necessary to achieve program goals; and

''(B) have successfully completed pre- and in-service training for tutors.

''(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

''(f) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

''(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

''(2) offer high quality, research-based pre- and in-service training for tutors.

''(g) CITIZENSHIP TRAINING.—The Corporation shall establish requirements for recipients of assistance under the national service laws relating to the promotion of citizenship and civic engagement, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, among individuals enrolled in approved national service positions and approved summer of service positions.''.

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (2)(A) by inserting after ''subdivision of a State,'' the following: ''a Territory,''; and

(2) in paragraph (5) by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 1257) is repealed.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$125,000 and $750,000'' and inserting ''$200,000 and $825,000''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MATCHING REQUIREMENT.—In making grants to a State under this subsection, the Corporation shall require the State to provide matching funds of $1 from non-Federal sources for every $1 provided by the Corporation.

''(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to use an alternative match as follows:

''(A) FIRST $100,000.—For the first $100,000 of grant amounts provided by the Corporation, a State shall not be required to provide matching funds.

''(B) AMOUNTS GREATER THAN $100,000.—For grant amounts of more than $100,000 and not exceeding $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $2 provided by the Corporation.

''(C) AMOUNTS GREATER THAN $200,000.—For grant amounts of more than $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $1 provided by the Corporation.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''to national service programs that receive assistance under section 121'' and inserting ''to programs supported under the national service laws''; and

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

''(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than $1 of assistance under this subsection for each $1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, grants under this subsection may provide not more than $1 of assistance for each $2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds as matching funds if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.''.

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

''SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

''(a) 1-PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The amount allotted as a grant to each such Territory under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the Territory bears to the total population of such Territories.

''(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes, to be allotted by the Corporation on a competitive basis.

''(c) ALLOTMENT FOR COMPETITIVE GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve up to 62.7 percent for grants awarded on a competitive basis to States for national service programs and to nonprofit organizations seeking to operate a national service program in 2 or more States.

''(d) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

''(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under subsection (a) of section 121 for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

''(2) ALLOTMENTS.—The amount allotted as a grant to each such State under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

''(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year must be at least $600,000, or 0.5 percent of the amount allocated for the State formula under this section, whichever is greater.

''(e) EFFECT OF FAILURE TO APPLY.—If a State or Territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or Territory to—

''(1) make grants (and provide approved national service positions in connection with such grants) to other grantmaking entities under section 121 that propose to carry out national service programs in such State or Territory; and

''(2) make a reallotment to other States or Territories with approved applications submitted under section 130, to the extent grant-making entities do not apply as described in paragraph (1).

''(f) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a recipient under this section shall be made by the Corporation

only pursuant to an application submitted by a State or other applicant under section 130.

''(g) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

''(h) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

''(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

''(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

''(i) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under section 126.

''(j) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Chief Executive Officer shall reserve an amount that is not less than 1 percent of such amount (except that the amount reserved may not exceed $10,000,000), in order to make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose.''.

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

''SEC. 129A. EDUCATION AWARDS ONLY PROGRAM.

''(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed amount grants under subsection (d), provide operational assistance to programs that receive approved national service positions but do not receive funds under section 121(a).

''(b) LIMIT ON CORPORATION GRANT FUNDS.—Operational support under this section may not exceed $600 per individual enrolled in an approved national service position and may reach $800 per individual if the program supports at least 50 percent disadvantaged youth.

''(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs funded under this section:

''(1) The limitation on administrative costs under section 121(d).

''(2) The matching funds requirements under section 121(e).

''(3) The living allowance and other benefits under sections 131(e) and section 140 (other than individualized support services for disabled members under section 140(f)).

''(d) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''SEC. 129B. PILOT AUTHORITY FOR MEMBER-SELECTED NATIONAL SERVICE POSITIONS.

''(a) AUTHORITY.—

''(1) IN GENERAL.—From the amounts appropriated for a fiscal year under this subtitle and consistent with the restriction in subsection (b), the Corporation may provide fixed amount grants on a competitive basis to up to 10 State Commissions to support member-selected approved national service positions.

''(2) LIMITATION.—The Corporation shall award grants under paragraph (1) to support not more than 500 approved national service positions among the participating States.

''(b) LIMITS ON CORPORATION GRANT FUNDS.—

''(1) IN GENERAL.—Grants awarded under subsection (a)(1) shall not exceed $600 per individual enrolled in an approved national service position under this section.

''(2) USE OF GRANT FUNDS.—Grants received by State Commissions under subsection (a)(1)—

''(A) shall not be distributed to organizations receiving participants with approved national service positions under this section; and

''(B) may—

''(i) be used for oversight activities and mechanisms for the service sites as determined by the State Commission or the Corporation, which may include site visits;

''(ii) be used for activities to augment the experience of AmeriCorps participants in approved national service positions under this section, including activities to engage such participants in networking opportunities with other AmeriCorps participants; and

''(iii) be used for recruitment or training activities for participants in approved national service positions under this section.

''(c) STATE COMMISSION APPLICATION.—

''(1) IN GENERAL.—A State Commission desiring to receive a grant under subsection (a)(1) shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation shall determine appropriate.

''(2) APPROVAL.—The Corporation shall approve each application under paragraph (1) in accordance with section 130(d).

''(d) SELECTION OF PARTICIPANTS.—

''(1) APPLICANTS.—Participants desiring to receive an approved national service position under this section shall submit an application to the State Commission at such time and in such manner as the State Commission determines appropriate. The application shall contain—

''(A) a position description that includes—

''(i) the unmet human, educational, public safety, or environmental need or needs that will be met by the participant; and

''(ii) a description of the activities and responsibilities that will be carried out by the participant;

''(B) a description of the organization operating the service site where the applicant intends to complete the service described in subparagraph (A);

''(C) a description of the support that will be provided by the organization to the participant to complete the activities described in subparagraph (A);

''(D) the evidence of community support for the activities described in subparagraph (A);

''(E) a certification from the organization operating the service site that the organization is accepting the participant to perform the service outlined in subparagraph (A);

''(F) a certification from the organization operating the service site that the organization satisfies qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight; and

''(G) any other information that the Corporation and the State Commission deems necessary.

''(2) RESIDENCY.—A participant may apply for approved national service positions under this section in States other than the State in which the participant resides.

''(e) ORGANIZATION REQUIREMENTS.—The Corporation and the State Commissions shall ensure that the organizations receiving participants with approved national service positions under this section—

''(1) maintain not more than 5 full-time staff and not more than 5 part-time staff;

''(2) are not duplicating service provided by an existing AmeriCorps grantee in the same community;

''(3) are located in a community where no Intermediary AmeriCorps grants recipient is operating; and

''(4) have not applied to receive assistance under this subtitle.

''(f) FAILURE TO COMPLY.—If an organization receiving a participant with an approved national service position under this section fails to comply with terms and conditions established by the State Commission and the Corporation—

''(1) the organization shall not be eligible to receive such a participant, or receive an AmeriCorps grant under section 121, for not less than 5 years; and

''(2) the State Commission shall have the right to remove such a participant from the organization and relocate that individual to another site.

''(g) RECEIPT OF FINANCIAL ASSISTANCE.—An organization that receives participants with approved national service positions under this section shall not be considered a recipient of Federal financial assistance based on receiving such participants.

''(h) DEFINITION.—For the purpose of this section, the term 'Intermediary AmeriCorps grants recipient' means any organization that serves as a conduit between the Corporation and other unaffiliated organizations operating service sites.''.

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by inserting after ''State,'' the following: ''Territory,''; and

(B) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education'';

(2) in subsection (b)(9) by striking ''section 122(c)'' and inserting ''section 122(d)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''jobs or positions'' and inserting ''proposed positions''; and

(ii) by striking '', including'' and all that follows through the period at the end and inserting a period;

(B) in paragraph (2) by inserting ''proposed'' before ''minimum''; and

(C) by adding at the end the following:

''(3) In the case of a nonprofit organization operating programs in 2 or more States, a description of the manner and extent to which the State Commissions of each State in which the nonprofit organization intends to operate were consulted and the nature of the consultation.'';

(4) in subsection (e)(2) by striking ''were selected'' and inserting ''were or will be selected'';

(5) in subsection (f)—

(A) in paragraph (1), by striking ''a program applicant'' and inserting ''an applicant''; and

(B) in paragraph (2)—

(i) in the heading, by striking ''PROGRAM APPLICANT'' and inserting ''APPLICANT'';

(ii) in the matter preceding subparagraph (A), by striking ''program applicant'' and inserting ''applicant'';

(iii) in subparagraph (A)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(iv) in subparagraph (B)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(6) in subsection (g), by striking the period and inserting ''or is already receiving financial assistance from the Corporation.''.

SEC. 1308A. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c)(3) (42 U.S.C. 12583(c)(3)) is amended to read as follows:

''(3) in the case of a program that is not funded through a State, including programs operated by nonprofit organizations seeking to operate a national service program in 2 or more States—

''(A) consult with and coordinate with the State Commission for the State in which the program operates; and

''(B) obtain written confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate a program in that State.''.

SEC. 1309. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (c)(6), insert after subparagraph (E) the following:

''(F) Areas that have a mortgage foreclosure rate greater than the national average mortgage foreclosure rate for the most recent 12 months for which satisfactory data are available.'';

(2) in subsection (b)(2)(B), by striking ''jobs or'';

(3) in subsection (c), by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following:

''(8) The extent to which the program generates the involvement of volunteers.'';

(4) in subsection (d), in paragraph (2)—

(A) in the matter preceding subparagraph (A), strike ''the Corporation may include—'' and insert ''the Corporation—''; and

(B) by striking subparagraphs (A) through (G) and inserting the following:

''(A) shall include national service programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment; and

''(B) may include—

''(i) national service programs that conform to the national service priorities in effect under section 122(d);

''(ii) innovative national service programs;

''(iii) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

''(iv) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

''(v) professional corps programs described in section 122(a)(8).''; and

(5) by amending subsection (d)(3) to read as follows:

''(3) ADDITIONAL PRIORITY.—In making a competitive distribution under section 129(c), the Corporation—

''(A) shall solicit and consider the view of a State Commission regarding any application for assistance to operate a national service program within the State; and

''(B) may give priority to a national service program that is—

''(i) proposed in an application submitted by a State Commission; and

''(ii) not one of the types proposed in paragraph (2),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.''.

SEC. 1310. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(B) in paragraph (2), by striking ''between the ages of 16 and 25'' and inserting ''a 16-year-old out of school youth or an individual between the ages of 17 and 25''; and

(3) in subsection (c), by striking ''(a)(5)'' and inserting ''(a)(4)''.

SEC. 1311. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a) by striking ''conducted by the State'' and all that follows through ''or other entity'' and inserting ''conducted by the entity''; and

(2) in subsection (e)(2)(C) by inserting before the semicolon at the end the following: '', particularly those who were considered at the time of their service disadvantaged youth''.

SEC. 1312. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)(1), by striking ''not less than 9 months and'';

(2) in subsection (b)(2), by striking ''during a period of—'' and all that follows through the period at the end and inserting ''during a period of not more than 2 years.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''as demonstrated by the participant'' and inserting ''as determined by the organization responsible for granting a release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the original term of service'';

(B) in paragraph (2)(A), by striking ''provide to the participant that portion of the national service educational award'' and inserting ''certify the participant's eligibility for that portion of the national service educational award''; and

(C) in paragraph (2)(B), by striking ''to allow return to the program with which the individual was serving in order''.

SEC. 1313. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (2) and (3)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

''(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided to an individual whose term of service includes hours for which the individual receives Federal work study wages shall be reduced by the amount of the individual's Federal work study award.''; and

(E) in paragraph (4), by striking ''a reduced term of service under section 139(b)(3)'' and inserting ''a term of service that is less than 12 months'';

(2) in subsection (b), by striking ''shall include an amount sufficient to cover 85 percent of such taxes'' and all that follows through the period at the end and inserting ''may be used to pay such taxes.'';

(3) in subsection (c)—

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

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as (2);

(4) in subsection (d)(1), by striking the second sentence; and

(5) by striking subsections (g) and (h).

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''section 148(e)'' and inserting ''section 148(f)''; and

(B) in paragraph (2), by striking ''pursuant to section 196(a)(2)'' and inserting ''pursuant to section 196(a)(2), if the terms of such donations direct that they be deposited in the National Service Trust''; and

(2) in subsection (c), by striking ''for payments of national service educational awards in accordance with section 148.'' and inserting ''for—

''(1) payments of summer of service educational awards and national service educational awards in accordance with section 148; and

''(2) payments of interest in accordance with section 148(f).''.

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''if the individual'' and inserting

''if the organization responsible for an individual's supervision certifies that the individual'';

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) met the applicable eligibility requirements for the position; and

''(2)(A) successfully completed the required term of service described in subsection (b) in an approved national service position; or

''(B)(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under section 139(c); and

''(ii) served at least 15 percent of the required term of service described in subsection (b); and''; and

(C) by redesignating paragraph (4) as paragraph (3);

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

''(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, in national service educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The aggregate value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of national service educational awards the individual may receive.'';

(3) in subsection (d)—

(A) in paragraph (1) by inserting after ''national service educational award'' the following: ''or a summer of service educational award''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), and in subparagraph (A), by inserting after ''national service educational award'' the following: ''or a summer of service educational award'';

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

(iii) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) in the case of a summer of service educational award, is enrolled at an eligible institution of higher education under section 148(c) or an educational institution described under section 148(a)(4) and failed to expend the full amount of that award during the original 7-year period.''; and

(4) in subsection (e)(1)—

(A) by inserting after ''qualifying under this section'' the following: ''or under section 118(c)(8)''; and

(B) by inserting after ''to receive a national service educational award'' the following: ''or a summer of service educational award''.

SEC. 1403. DETERMINATION OF THE AMOUNT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 147 (42 U.S.C. 12603) is amended—

(1) in subsection (a)—

(A) by striking ''a value, for each of not more than 2 of such terms of service, equal to 90 percent of—'' and inserting ''a value of—'' ; and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) $4,825, for fiscal year 2008;

''(2) $4,925, for fiscal year 2009;

''(3) $5,025, for fiscal year 2010;

''(4) $5,125, for fiscal year 2011; and

''(5) $5,225, for fiscal year 2012 and each fiscal year thereafter.''; and

(2) in subsection (b), by inserting after ''for each of not more than 2 of such terms of service'' the following: ''in the period of one year''.

SEC. 1404. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''cost of attendance'' and inserting ''cost of attendance or other educational expenses'';

(B) in paragraph (3), by striking ''and'';

(C) by redesignating paragraph (4) as paragraph (6);

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

''(4) to pay expenses incurred in enrolling in an educational institution or training establishment that meets the requirements of chapter 36 of title 38, United States Code (38 U.S.C. 3451 et seq.);

''(5) for a recipient of a summer of service educational award under section 118(c)(8)(C), to pay expenses incurred in enrolling in a college preparatory program in accordance with subsection (e); and''; and

(E) in paragraph (6) (as so redesignated) by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) in subsection (b)(1) by inserting after ''the national service educational award of the individual'' the following: '', or an eligible individual under section 118(c)(8) who received a summer of service educational award for a project that began after the individual completed grade 10 and desires to apply that summer of service educational award,'';

(3) in subsection (b)(2) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable,'';

(4) in subsection (b)(5) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable'';

(5) in subsection (b)(7)—

(A) in subparagraph (A), by striking '', other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student's educational expenses and made, insured, or guaranteed by—

''(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

''(ii) the direct student loan program under part D of title IV of such Act;

''(iii) a State agency; or

''(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.'';

(6) in subsection (c)(1), by inserting after ''national service educational award'' the following: '', or an eligible individual under section 118(c)(8) who desires to apply the individual's summer of service educational award,'';

(7) in subsection (c)(2)(A), by inserting after ''national service educational award'' the following: ''or summer of service educational award, as applicable,'';

(8) in subsection (c)(2)(C)(iii), by inserting after ''national service educational awards received under this subtitle'' the following: ''or summer of service educational awards received under section 118(c)(8)'';

(9) in subsection (c)(3), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(10) in subsection (c)(5)—

(A) by inserting after ''national service educational award'' the following: '', or summer of service educational award, as applicable,''; and

(B) by inserting after ''additional'' the following: ''summer of service educational awards and additional'';

(11) in subsection (c)(6), by inserting after ''national service educational award'' the following: ''and summer of service educational award'';

(12) in subsection (d), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(13) by redesignating subsections (e), (f), and (g) as (f), (g), and (h), respectively;

(14) by inserting after subsection (d) the following:

''(e) USE OF SUMMER OF SERVICE EDUCATIONAL AWARD TO PAY COLLEGE PREPARATORY EXPENSES.—

''(1) APPLICATION OF ELIGIBLE INDIVIDUALS.—An eligible individual under section 118(c)(8), or the parents or legal guardian of such an individual, who desires to apply the summer of service educational award of the individual to the payment of expenses incurred in enrolling in a college preparatory program shall, on a form prescribed by the Corporation, submit an application to the college preparatory program in which the individual will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

''(2) SUBMISSION OF REQUESTS FOR PAYMENT BY PROGRAM.—A college preparatory program that receives one or more applications under paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

''(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's summer of service educational award under this subsection;

''(B) specifies the amounts for which such eligible individuals are qualified for disbursement; and

''(C) certifies that—

''(i) the college preparatory program is operated by a for-profit or non-profit organization with a track record of success in implementing college preparatory programs that collaborate with local educational agencies and adequately prepare secondary school students for admission to an institution of higher education without need for remediation;

''(ii) the college preparatory program has been in existence for at least one year prior to an eligible individual's submission of the application under paragraph (1); and

''(iii) individuals using summer of service educational awards received under section 118(c)(8) to pay the cost of enrolling in the college preparatory program do not comprise more than 15 percent of the total number of individuals enrolled in the program; and

''(D) contains such provisions concerning financial compliance and program quality as the Corporation may require.

''(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from a college preparatory program that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the summer of service educational awards for which eligible individuals who have submitted applications to that program under paragraph (1) are scheduled to receive. Such disbursement shall be made by check or other means that is payable to the program and requires the endorsement or other certification by the eligible individual.

''(4) MULTIPLE DISBURSEMENTS.—The total amount required to be disbursed to a college preparatory program under paragraph (3) for any period of enrollment may be disbursed by the Corporation in two or more installments consistent with appropriate divisions of such period of enrollment.

''(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the summer of service educational award of an eligible individual) of amounts disbursed to programs for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved summer of service positions under section 118(c)(8).

''(6) MAXIMUM AWARD.—The portion of an eligible individual's total available summer of service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the cost of attendance.'';

(15) in subsection (f) (as so redesignated), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)''; and

(16) in subsection (g) (as so redesignated), by striking ''Director'' and inserting ''Chief Executive Officer''.

SEC. 1405. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 149. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

''(a) TIMING AND RECORDING REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding subtitles C and D, and any other provision of law, in approving a position as an approved national service position, the Corporation—

''(A) shall approve the position at the time the Corporation—

''(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or a summer of service educational award; or

''(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

''(B) shall record as an obligation an estimate of the net present value of the national service educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards for such a program and remain available.

''(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

''(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

''(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position that the Corporation approves—

''(A) during fiscal year 2008; and

''(B) during any subsequent fiscal year.

''(b) RESERVE ACCOUNT.—

''(1) ESTABLISHMENT AND CONTENTS.—

''(A) ESTABLISHMENT.—Notwithstanding subtitles C and D, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

''(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions for each fiscal year, the Corporation shall place in the account—

''(i) during fiscal year 2008, a portion of the funds that were appropriated for fiscal year 2008 or a previous fiscal year under section 501(a)(2), were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 118(c)(8), and remain available; and

''(ii) during fiscal year 2009 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501(a)(2) and were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 111(a)(5), and remain available.

''(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

''(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions and summer of service educational awards; or

''(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions or summer of service educational awards, as applicable.

''(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

''(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards or summer of service educational awards under section 148.''.

(b) CONFORMING REPEAL.—Section 2 of the Strengthen AmeriCorps Program Act (Public Law 108–145; 117 Stat. 844; 42 U.S.C. 12605) is repealed.

SEC. 1406. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 150. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

''(a) IN GENERAL.—The Corporation shall report annually to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the number and percentage of veterans serving in approved national service positions.

''(b) ANNUAL GOALS.—In the report described in subsection (a), the Corporation shall outline strategies and goals for increasing the number and percentage of veterans serving in approved national service positions each year, including strategies being undertaken to recruit veterans to serve in such positions, and include an evaluation of progress in meeting such goals.''.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

''SEC. 151. PURPOSE.

''It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. Such needs to be met under such programs include those related to—

''(1) natural and other disasters;

''(2) infrastructure improvement;

''(3) environmental stewardship and conservation;

''(4) energy conservation; and

''(5) urban and rural development.''.

SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

''SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.''.

(2) in subsection (a), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(3) in subsection (b)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''a Civilian Community Corps'' and inserting ''a National Civilian Community Corps'';

(4) in the heading of subsection (c), by striking ''PROGRAMS'' and inserting ''COMPONENTS''; and

(5) in subsection (c), by striking ''program components are residential programs'' and all that follows and inserting ''programs referred to in subsection (b) may include a residential component.''.

SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps'';

(2) in subsection (b), by striking ''if the person'' and all that follows through the period at the end and inserting ''if the person will be at least 18 years of age on or before December 31 in the calendar year in which the individual enrolls in the program.'';

(3) in subsection (c)—

(A) by striking ''BACKROUNDS'' and inserting ''BACKGROUNDS''; and

(B) by adding at the end the following: ''The Director shall take appropriate steps, including through collaboration with the Office of Outreach and Recruitment, to increase the percentage of participants in the program who are disadvantaged youth toward 50 percent of all participants by year 2010. The Director shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on such efforts, any challenges faced, and the annual participation rates of disadvantaged youth in the program.''; and

(4) by striking subsection (e).

SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps''; and

(2) in subsection (b), by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.''.

SEC. 1505. TEAM LEADERS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

''SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.'';

(2) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''the Civilian Community Corps shall'' and inserting ''the National Civilian Community Corps shall'';

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

''(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—'';

(B) in paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(C) in paragraph (3)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' and inserting ''campus''; and

(D) by adding at the end the following:

''(4) TEAM LEADERS.—The Director may select from Corps members individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps to perform service that includes leading and supervising teams of Corps members. Team leaders shall—

''(A) be selected without regard to the age limitation under section 153(b);

''(B) be members of the National Civilian Community Corps; and

''(C) be provided the rights and benefits applicable to Corps members, except that the limitation on the amount of living allowance shall not exceed 10 percent more than the amount established under section 158(b).'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

''(d) CAMPUSES.—'';

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

''(1) UNITS TO BE ASSIGNED TO CAMPUSES.—'';

(ii) by striking ''in camps'' and inserting ''in campuses'';

(iii) by striking ''camp'' and inserting ''campus''; and

(iv) by striking ''in the camps'' and inserting ''in the campuses'';

(C) by amending paragraph (2) to read as follows:

''(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.'';

(D) in paragraph (3)—

(i) by amending the paragraph heading to read as follows:

''(3) ELIGIBLE SITE FOR CAMPUS.—'';

(ii) by striking ''A camp may be located'' and inserting ''A campus must be cost-effective and may, upon the completion of a feasibility study, be located'';

(5) in subsection (e)—

(A) by amending the paragraph heading to read as follows:

''(e) DISTRIBUTION OF UNITS AND CAMPUSES.—'';

(B) by striking ''camps are distributed'' and inserting ''campuses are cost-effective and are distributed''; and

(C) by striking ''rural areas'' and all that follows through the period at the end and inserting ''rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.''; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''superintendent of a camp'' and inserting ''campus director of a campus'';

(ii) in subparagraph (A)—

(I) by striking ''superintendent'' and inserting ''campus director'';

(II) by striking ''superintendent's'' and inserting ''campus director's''; and

(III) by striking ''camp'' each place such term appears and inserting ''campus''; and

(iii) in subparagraph (B), by striking ''superintendent'' and inserting ''campus director''; and

(C) in paragraph (3), by striking ''camp superintendent'' and inserting ''campus director''.

SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting ''National'' before ''Civilian Community Corps''; and

(B) by adding at the end the following: ''The Director shall ensure that to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.'';

(2) in subsection (b)(1), by inserting before the period at the end the following: '', including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs''; and

(3) by amending subsection (c)(2) to read as follows:

''(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skill areas described in such subsection.''.

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(B) in paragraph (1), by inserting before the semicolon the following: ''with specific emphasis on projects in support of infrastructure improvement, disaster relief and recovery, the environment, energy conservation, and urban and rural development''; and

(C) in paragraph (2) by striking ''service learning'' and inserting ''service-learning'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''and the Secretary of Housing and Urban Development'' and inserting ''the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the United States Forest Service'';

(B) in paragraph (1)(B)—

(i) by inserting ''community-based organizations and'' before ''representatives of local communities''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus''; and

(C) in paragraph (2), by inserting ''State Commissions,'' before ''and persons involved in other youth service programs.''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' both places such term appears and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus''; and

(B) in paragraph (2), by striking ''camp superintendents'' and inserting ''campus directors''.

SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a) by inserting ''National'' before ''Civilian Community Corps''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''National'' before ''Civilian Community Corps''; and

(ii) by inserting before the colon the following: '', as the Director determines appropriate'';

(B) in paragraph (6), by striking ''Clothing'' and inserting ''Uniforms''; and

(C) in paragraph (7), by striking ''Recreational services and supplies'' and inserting ''Supplies''.

SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) in paragraph (1)—

(i) by inserting ''including those'' before ''recommended''; and

(ii) by inserting ''National'' before ''Civilian Community Corps'';

(2) in subsection (b)(1), by inserting ''National'' before ''Civilian Community Corps'';

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting ''National'' before ''Civilian Community Corps''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''The Director shall establish a permanent cadre of'' and inserting ''The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed''; and

(II) by inserting ''National'' before ''Civilian Community Corps'';

(ii) in subparagraph (B), by striking ''The Director shall appoint the members'' and inserting ''The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members'';

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''the Director'' and inserting ''the Chief Executive Officer'';

(II) in clause (iii) by striking ''and'' at the end;

(III) by redesignating clause (iv) as (v); and

(IV) by inserting after clause (iii) the following:

''(iv) give consideration to retired and other former law enforcement, fire, rescue,

and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and''; and

(iv) in subparagraph (E)—

(I) by inserting after ''techniques'' the following: '', including techniques for working with and enhancing the development of disadvantaged youth,''; and

(II) by striking ''service learning'' and inserting ''service-learning''; and

(C) in the first sentence of paragraph (3), by striking ''the members'' and inserting ''other members''.

SEC. 1510. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking ''perform any program function under this subtitle'' and inserting ''carry out the National Civilian Community Corps program''; and

(2) in subsection (b)(2), by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1511. OTHER DEPARTMENTS.

Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''National'' before ''Civilian Community Corps''; and

(ii) in subparagraph (B)(i), by striking ''the registry established by'' and all that follows through the semicolon and inserting ''the registry established by section 1143a of title 10, United States Code;'';

(B) in paragraph (2)(A), by striking ''to be recommended for appointment'' and inserting ''from which individuals may be selected for appointment by the Director''; and

(C) in paragraph (3), by inserting ''National'' before ''Civilian Community Corps''; and

(2) by striking subsection (b).

SEC. 1512. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking ''Upon the establishment of the Program, there shall also be'' and inserting ''There shall be'';

(B) by inserting ''National'' before ''Civilian Community Corps Advisory Board''; and

(C) by striking ''to assist'' and all that follows through the period at the end and inserting ''to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. Consistent with the needs outlined in section 151, the Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

''(8) The Administrator of the Federal Emergency Management Agency.

''(9) The Secretary of Transportation.

''(10) The Chief of the United States Forest Service.

''(11) The Administrator of the Environmental Protection Agency.

''(12) The Secretary of Energy.''; and

(C) in paragraph (13), as so redesignated, by striking ''industry,'' and inserting ''public and private organizations,''.

SEC. 1513. ANNUAL EVALUATION.

Section 164 (42 U.S.C. 12624) is amended—

(1) by inserting ''National'' before ''Civilian Community Corps''; and

(2) by adding at the end the following: ''Upon completing each such evaluation, the Corporation shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the evaluation.''.

SEC. 1514. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

SEC. 1515. DEFINITIONS.

Section 166 (42 U.S.C. 12626) is amended—

(1) by striking paragraphs (2), (3), and (9);

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(3) by inserting after paragraph (1) the following:

''(2) CAMPUS DIRECTOR.—The term 'campus director', with respect to a Corps campus, means the head of the campus under section 155(d).

''(3) CORPS.—The term 'Corps' means the National Civilian Community Corps required under section 155 as part of the Civilian Community Corps Program.

''(4) CORPS CAMPUS.—The term 'Corps campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.'';

(4) in paragraph (5) (as so redesignated), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(5) in paragraph (6) (as so redesignated), by inserting ''National'' before ''Civilian Community Corps'';

(6) in paragraph (8) (as so redesignated), by striking ''The terms'' and all that follows through ''Demonstration Program'' and inserting ''The term 'Program' means the National Civilian Community Corps Program''; and

(7) in paragraph (9) (as so redesignated)—

(A) in the heading by striking ''SERVICE LEARNING'' and inserting ''SERVICE-LEARNING''; and

(B) in the matter preceding subparagraph (A) by striking ''service learning'' and inserting ''service-learning''.

SEC. 1516. TERMINOLOGY.

Subtitle E of title I (42 U.S.C. 12611 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle E—National Civilian Community Corps'';

and

(2) in section 160(a) (42 U.S.C. 12620(a)) by inserting ''National'' before ''Civilian Community Corps''.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking ''with respect to a project'' and inserting ''with respect to a project authorized under the national service laws''.

SEC. 1602. ADDITIONAL PROHIBITIONS ON USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

''(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal government.''.

SEC. 1603. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking ''30 days'' and inserting ''1 or more periods of 30 days not to exceed 90 days in total''; and

(2) in subsection (f)—

(A) in paragraph (1), by striking ''A State or local applicant'' and inserting ''An entity''; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking ''and'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) in a grievance filed by an individual applicant or participant—

''(i) the applicant's selection or the participant's reinstatement, as the case may be; and

''(ii) other changes in the terms and conditions of service; and''.

SEC. 1604. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking ''under this title'' each place it appears and inserting ''under the national service laws'';

(2) in subsection (b)(1), by striking ''employee or position'' and inserting ''employee, position, or volunteer (other than a participant under the national service laws)''; and

(3) by adding at the end the following:

''(f) PARENTAL INVOLVEMENT.—

''(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

''(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, consistent with State law, before transporting minor children, provide the reason for and obtain written permission of the children's parents.''.

SEC. 1605. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (c)(1), by adding at the end the following:

''(J) A representative of the volunteer sector.'';

(2) in subsection (c)(3), by striking '', unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity'';

(3) by striking subsection (e)(1) and inserting the following:

''(1) Preparation of a national service plan for the State that—

''(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from companies, organizations, and public agencies using service and volunteerism as a strategy to meet critical community needs, including programs funded under the national service laws;

''(B) covers a 3-year period, the beginning of which may be set by the State;

''(C) is subject to approval by the chief executive officer of the State;

''(D) includes measurable goals and outcomes for the State consistent with those for national service programs as described in section 179(a)(1)(A);

''(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—

''(i) using established networks and registries at the State level, or establishing such networks and registries; and

''(ii) coordinating with the Corporation's Office of Outreach and Recruitment;

''(F) provides for effective coordination of funding applications submitted by the State and others within the State under the national service laws;

''(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State; and

''(H) contains such information as the State Commission considers to be appropriate or as the Corporation may require.'';

(4) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively;

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

''(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive, or specify alternatives to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by a State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within a State.

''(g) STATE PLAN FOR BABY BOOMER AND OLDER ADULT VOLUNTEER AND PAID SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State must work with appropriate State agencies and private entities to develop a comprehensive State plan for volunteer and paid service by members of the Baby Boom generation and older adults.

''(2) MATTERS INCLUDED.—The State plan shall include—

''(A) recommendations for public policy initiatives, including how to best tap the population of members of the Baby Boom generation and older adults as sources of social capital and as ways to address community needs;

''(B) recommendations to the State unit on aging on—

''(i) a marketing outreach plan to businesses;

''(ii) outreach to non-profit organizations;

''(iii) the State's Department of Education; and

''(iv) other State agencies; and

''(C) recommendations for civic engagement and multigenerational activities, such as—

''(i) early childhood education, family literacy, and after school programs;

''(ii) respite services for older adults and caregivers; and

''(iii) transitions for members of the Baby Boom generation and older adults to purposeful work in their post career lives.

''(3) KNOWLEDGE INCORPORATED.—The State plan shall incorporate the current knowledge base regarding—

''(A) the economic impact of older workers' roles in the economy;

''(B) the social impact of older workers' roles in the community; and

''(C) the health and social benefits of active engagement for members of the Baby Boom generation and older adults.

''(4) PUBLICATION.—The State plan must be made public and be transmitted to the Chief Executive Officer.''; and

(6) in subsection (k)(1) (as redesignated by this section), by striking the period at the end and inserting '', consistent with section 174(d).''.

SEC. 1606. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

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

''(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

''(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such, including—

''(A) an evaluation of performance measures, as established by the Corporation in consultation with each grantee receiving assistance under the national service laws, which may include—

''(i) number of participants enrolled and completing terms of service compared to the stated goals of the program;

''(ii) number of volunteers recruited from the community in which the program was implemented;

''(iii) if applicable based on the program design, the number of individuals receiving or benefitting from the service conducted;

''(iv) number of disadvantaged and underrepresented youth participants;

''(v) sustainability of project or program, including measures to ascertain the level of community support for the project or program;

''(vi) measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service; and

''(vii) other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance; and

''(B) review of the implementation plan for reaching such measures described in subparagraph (A); and

''(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants' time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost-effectiveness and the impact of such programs.'';

(2) in subsection (g)—

(A) in paragraph (3), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) in paragraph (9), by striking ''to public service'' and all that follows through the period at the end and inserting ''to engage in service that benefits the community.''; and

(3) by adding at the end the following:

''(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—In addition to amounts appropriated to carry out this section, the Corporation may reserve up to 1 percent of total program funds appropriated for a fiscal year under the national service laws to support program accountability activities under this section.

''(k) CORRECTIVE PLANS.—

''(1) IN GENERAL.—A grantee that fails to reach the performance measures in subsection (a)(1)(A) as determined by the Corporation, shall reach an agreement with the Corporation on a corrective action plan to achieve the agreed upon performance measures.

''(2) ASSISTANCE.—

''(A) NEW PROGRAM.—For a program that has received assistance for less than 3 years and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall—

''(i) provide technical assistance to the grantee to address targeted performance problems relating to the performance measures in subsection (a)(1)(A); and

''(ii) require quarterly reports from the grantee on the program's progress toward achieving the performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(B) ESTABLISHED PROGRAMS.—For a program that has received assistance for 3 years or more and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall require quarterly reports from the grantee on the program's progress towards achieving performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(l) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation, a grantee or subgrantee fails to achieve the established levels of performance, the Corporation shall—

''(1) reduce the annual amount of the grant award attributable to the underperforming grantee or subgrantee by at least 25 percent; or

''(2) terminate assistance to the underperforming grantee or subgrantee, consistent with section 176(a).

''(m) REPORTS.—The Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate not later than two years after the date of the enactment of this subsection, and annually thereafter, a report containing information on the number of—

''(1) grantees implementing corrective action plans;

''(2) grantees for which the Corporation offers technical assistance under subsection (k);

''(3) grantees for which the Corporation terminates assistance for a program under subsection (l); and

''(4) grantees meeting or exceeding their performance measures in subsection (a).''.

SEC. 1607. TECHNICAL AMENDMENT.

Section 181 (42 U.S.C. 12641) is amended by striking ''Section 414'' and inserting ''Section 422''.

SEC. 1608. PARTNERSHIPS WITH SCHOOLS.

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

''(b) ANNUAL REPORT.—On an annual basis, the head of each Federal agency and department shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the implementation of this section, including an evaluation of the performance goals and benchmarks of the partnership programs.''.

SEC. 1609. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

Section 183 (42 U.S.C. 12643) is amended—

(1) in each of subsections (a)(1) and (b)(1) by inserting after ''local government,'' the following: ''Territory,''; and

(2) by adding at the end the following:

''(c) INSPECTOR GENERAL.—The Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

''(1) within the possession or control of the Corporation or any State or local government, Territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under this Act; and

''(2) that relates to the duties of the Inspector General under the Inspector General Act of 1978.''.

SEC. 1610. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

''SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.

''(a) IN GENERAL.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs and activities funded under the national service laws.

''(b) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Corporation shall submit to the Committee on

Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing information on the actions taken to modify the application procedures and reporting requirements for programs and activities funded under the national service laws, including a description of the consultation procedures with grantees, entities that expressed interest in applying for assistance under a national service law but did not apply, those entities whose application was rejected, and applications whose assistance was terminated due to failure to meet performance measures for the year covered by the report.

"SEC. 186. SUSTAINABILITY.

''(a) GOALS.—To ensure that recipients of assistance under the national service laws are carrying out sustainable projects or programs, the Corporation, after collaboration with State Commissions and consultation with recipients of assistance under the national service laws, may set sustainability goals supported by policies and procedures to—

''(1) build the capacity of the projects that receive assistance under the national service laws to meet community needs and lessen the dependence on Federal dollars to do so, taking into consideration challenges that programs in underserved rural or urban areas may face;

''(2) provide technical assistance to aid the recipients of assistance under the national service laws in acquiring and leveraging non-Federal funds for the projects; and

''(3) implement measures to ascertain whether the projects are generating sufficient community support.

''(b) ENFORCEMENT.—If a recipient does not meet the sustainability goals in subsection (a) for a project, the Corporation may take action as described in sections 176 and 179.

"SEC. 187. USE OF RECOVERED FUNDS.

''(a) FACTORS CONSIDERED IN APPROVING REPAYMENT.—After the date of enactment of this section, whenever the Corporation recovers funds paid to a recipient under a grant or cooperative agreement made under the national service laws because the recipient made an expenditure of funds that was not allowable, or otherwise failed to discharge its responsibility to account properly for funds, the Corporation may consider those funds to be additional funds available and may arrange to repay to the recipient affected by that action an amount not to exceed 75 percent of the recovered funds if the Corporation determines that—

''(1) the practices or procedures of the recipient that resulted in the recovery of funds have been corrected, and that the recipient is in all other respects in compliance with the requirements of the grant or cooperative agreement, if the recipient was notified of any noncompliance with such requirements and given a reasonable period of time to remedy such noncompliance;

''(2) the recipient has submitted to the Corporation a plan for the use of those funds consistent with the national service laws and, to the extent possible, for the benefit of the community affected by the recovery of funds; and

''(3) the use of those funds in accordance with that plan would serve to achieve the objectives of the grant or cooperative agreement under which the funds were originally paid.

''(b) TERMS AND CONDITIONS OF REPAYMENT.—Any payments by the Corporation under this section shall be subject to other terms and conditions as the Corporation considers necessary to accomplish the purposes of the grant or cooperative agreement, including—

''(1) the submission of periodic reports on the use of funds provided under this section; and

''(2) consultation by the recipient with members of the community that will benefit from the payments.

''(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, the funds made available under this section shall remain available for expenditure for a period of time considered reasonable by the Corporation, but in no case to exceed more than 3 fiscal years following the later of—

''(1) the fiscal year in which final agency action regarding the disallowance of funds is taken; or

''(2) if such recipient files a petition for judicial review regarding the disallowance of funds, the fiscal year in which final judicial action is taken on such a petition.

''(d) PUBLICATION IN FEDERAL REGISTER.—At least 60 days prior to entering into an arrangement under this section, the Corporation shall publish in the Federal Register a notice of intent to enter into such an arrangement and the terms and conditions under which payments will be made. Interested persons shall have an opportunity for at least 30 days to submit comments to the Corporation regarding the proposed arrangement.

"SEC. 188. EXPENSES OF ATTENDING MEETINGS.

''Notwithstanding section 1345 of title 31, United States Code, funds authorized under the national service laws shall be available for expenses of attendance of meetings that are concerned with the functions or activities for which the funds are appropriated or which will contribute to improved conduct, supervision, or management of those functions or activities.

"SEC. 189. GRANT PERIODS.

''Unless otherwise specifically provided, the Corporation has authority to make a grant under the national service laws for a period of 3 years.

"SEC. 189A. GENERATION OF VOLUNTEERS.

''In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers in meeting community needs.

"SEC. 189B. LIMITATION ON PROGRAM GRANT COSTS.

''(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation in a grant to operate a program authorized under the national service laws supporting individuals serving in approved national service positions may not exceed $16,000 per full-time equivalent position.

''(b) COSTS SUBJECT TO LIMITATION.—The limitation in subsection (a) applies to the Corporation's share of member support costs, staff costs, and other costs borne by the grantee or subgrantee to operate a program.

''(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation in subsection (a) and (e)(1) shall not apply to expenses that are not included in the program operating grant award.

''(d) ADJUSTMENTS FOR INFLATION.—The amount specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

''(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

''(1) WAIVER.—The Chief Executive Officer may waive the requirements of this section, up to a maximum of $18,000, if necessary to meet the compelling needs of a particular program, such as exceptional training needs for a program serving disadvantaged youth, increased costs relating to the participation of individuals with disabilities, and start-up costs associated with a first-time grantee.

''(2) REPORTS.—The Chief Executive Officer shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on all waivers granted under this section, with an explanation of the compelling needs justifying such waivers.

"SEC. 189C. AUDITS AND REPORTS.

''The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 501 et seq.) and the Government Corporation Control Act of 1945 (31 U.S.C. 9101 et seq.). The Corporation shall report to the Congress any failure to comply with the requirements of such audits.

"SEC. 189D. CRIMINAL HISTORY CHECKS.

''(a) IN GENERAL.—Entities selecting individuals to serve in a position in which the individual receives a Corporation grant-funded living allowance, stipend, education award, salary, or other remuneration in a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

''(b) REQUIREMENTS.—A criminal history check shall, except in cases approved for good cause by the Corporation, include a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) and—

''(1) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

''(2) a Federal Bureau of Investigation fingerprint check.

''(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

''(1) refuses to consent to the criminal history check described in subsection (b);

''(2) makes a false statement in connection with such criminal history check;

''(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.''.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) TERMS.—Subject to subsection (e), each appointed member shall serve for a term of 5 years.'';

(2) by adding at the end the following:

''(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A voting member of the Board whose term has expired may continue to serve for one year beyond expiration of the term if no successor is appointed or until the date on which a successor has taken office.''.

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1) by striking ''shall—'' and inserting ''shall

have responsibility for setting overall policy for the Corporation and shall—'';

(2) in paragraph (1), by inserting before the semicolon at the end the following: '', and review the budget proposal in advance of submission to the Office of Management and Budget and to Congress'';

(3) in paragraph (5)—

(A) in subparagraph (A) by striking ''and'' at the end;

(B) in subparagraph (B) by inserting ''and'' at the end; and

(C) by adding at the end the following:

''(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President;'';

(4) in paragraph (9), by inserting ''and'' after ''Corporation;'';

(5) in paragraph (10), by striking ''program; and'' and inserting ''program under a cost share agreement, as determined by the Corporation, in which the funds advanced or received as reimbursement shall be credited directly to a current appropriation; and''; and

(6) in paragraph (11), by striking ''September 30, 1995'' and inserting ''January 1, 2011''.

SEC. 1703. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after ''a strategic plan'' the following: '', including a plan for achieving 50 percent full-time approved national service positions by 2010,'';

(B) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

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

''(7) prepare and submit to the Committee on Education and Labor in the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions in the United States Senate, and the Board an annual report on actions taken to achieve the goal of 50 percent full-time approved national service positions as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal;''; and

(D) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking ''June 30, 1995,'' and inserting ''June 30 of each even-numbered year,''; and

(ii) in subparagraph (A)(i), by striking ''section 122(c)(1)'' and inserting ''section 122(d)(1)'';

(2) in subsection (c)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

''(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and''; and

(3) by amending subsection (g) to read as follows:

''(g) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—The Chief Executive Officer shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions of the Office of Outreach and Recruitment to ensure that such functions are carried out in a timely and effective manner. The Chief Executive Officer shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs carried out under the national service laws or similar programs, and to individuals who have specialized experience in the recruitment of volunteers.''.

SEC. 1704. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(B) in paragraph (3)—

(i) in the heading, by striking ''MEMBER'' and inserting ''NON-VOTING MEMBER''; and

(ii) by inserting ''non-voting'' before ''member''; and

(2) by adding at the end the following new subsection:

''(g) PERSONAL SERVICES CONTRACTS.—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.''.

SEC. 1705. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) ORGANIZATIONS AND INDIVIDUALS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Such a volunteer'' and inserting ''A person who is a member of an organization or is an individual covered by subparagraph (A)'';

(ii) in clause (i), by striking ''a volunteer'' and inserting ''such a person'';

(iii) in clause (ii), by striking ''volunteers'' and inserting ''such a person''; and

(iv) in clause (iii), by striking ''such a volunteer'' and inserting ''such a person''; and

(C) in subparagraph (C)(i), by striking ''Such a volunteer'' and inserting ''Such a person''; and

(2) by striking paragraph (3).

SEC. 1706. OFFICE OF OUTREACH AND RECRUITMENT.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196B. OFFICE OF OUTREACH AND RECRUITMENT.

''(a) ESTABLISHMENT.—There is established in the Corporation an office to be known as the Office of Outreach and Recruitment (in this section referred to as the 'Office'), headed by a Director.

''(b) DUTIES.—The duties of the Office, carried out directly or through grants, contracts, or cooperative agreements, shall be—

''(1) to increase the public awareness of the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

''(A) print media;

''(B) the Internet and related emerging technologies;

''(C) television;

''(D) radio;

''(E) presentations at public or private forums;

''(F) other innovative methods of communication; and

''(G) outreach to offices of economic development, State employment security agencies, labor unions and trade associations, local education agencies, institutions of higher education, agencies and organizations serving veterans and people with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

''(2) to identify and implement methods of recruitment to increase the diversity of participants in the programs receiving assistance under the national service laws;

''(3) to collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants with disabilities in the programs receiving assistance under the national service laws;

''(4) to identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

''(5) to identify and implement methods of recruitment to increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

''(6) to collaborate with organizations which have established volunteer recruitment programs, including those on the Internet, to increase the recruitment capacity of the Corporation;

''(7) where practicable, to provide application materials in languages other than English for those with limited English proficiency who wish to participate in a national service program;

''(8) to coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

''(9) to collaborate with the training and technical assistance programs described in subtitle J and in appropriate paragraphs of section 198E(b);

''(10) to coordinate the clearinghouses described in section 198E; and

''(11) to coordinate with entities receiving funds under section 198E(b)(11) in establishing the Reserve Corps for alumni of the national service programs to serve in emergencies, disasters, and other times of national need.

''(c) COLLABORATION.—The duties described in subsection (b) shall be carried out in collaboration with the State Commissions.

''(d) AUTHORITY TO CONTRACT WITH A BUSINESS.—The Corporation may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(1), with priority given to those entities who have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and members of the Baby Boom generation.

''(e) CAMPAIGN TO SOLICIT FUNDS.—The Corporation, through the Director of the Office, may conduct a campaign to solicit funds for itself to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of and participants in programs and projects receiving assistance under the national service laws.

''(f) REPORTING.—The Director of the Office shall complete a report annually to the Chief Executive Officer and the Board of Directors on its activities and results.''.

SEC. 1707. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196C. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

''(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

''(1) specific areas of need for veterans;

''(2) how existing programs and activities carried out under the national service laws could better serve veterans and veterans service organizations;

''(3) gaps in service to veterans;

''(4) prospects for better coordination of services;

''(5) prospects for better utilization of veterans as resources and volunteers; and

''(6) methods for ensuring the efficient financial organization of services directed towards veterans.

''(b) CONSULTATION.—The study shall be carried out in consultation with veterans' service organizations, the Department of Veterans Affairs, State veterans agencies, the Department of Defense, and other individuals and entities the Corporation considers appropriate.

''(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving veterans.

''(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

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

SEC. 1708. COORDINATION WITH VETERANS ORGANIZATIONS SERVING VETERANS WITH DISABILITIES.

The Board of Directors of the Corporation for National and Community Service shall coordinate with veterans organizations serving veterans with disabilities to provide opportunities for young people enrolled in existing NACS programs to provide transportation services on a full-time, part-time, or as-needed basis.

SEC. 1709. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.

(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of skilled workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) CONSULTATION.—The study shall be carried out in consultation with the Department of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

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

Subtitle H—Amendments to Subtitle H

SEC. 1801. TECHNICAL AMENDMENTS TO SUBTITLE H.

(a) ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.—Subtitle H is amended by inserting after the subtitle heading and before section 198 the following:

''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE''.

(b) TECHNICAL AMENDMENTS.—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking ''subsection (r)'' and inserting ''subsection (g)'';

(2) in subsection (b), by striking ''national service programs, including service-learning programs, and to support innovative and model programs, including'' and inserting ''service-learning programs and national service programs, including'';

(3) by striking subsections (c), (d), (e), and (f);

(4) by redesignating subsection (g) as subsection (c);

(5) by striking subsections (h), (i), and (j);

(6) by redesignating subsection (k) as subsection (d);

(7) by striking subsections (l) and (m);

(8) by redesignating subsections (n) and (o) as subsections (e) and (f), respectively;

(9) by striking subsection (p); and

(10) by redesignating subsections (q), (r), and (s) as (g), (h), and (i), respectively.

SEC. 1802. REPEALS.

The following provisions are repealed:

(1) CLEARINGHOUSES.—Section 198A (42 U.S.C. 12653a).

(2) MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.—Section 198C (42 U.S.C. 12653c).

(3) SPECIAL DEMONSTRATION PROJECT.—Section 198D (42 U.S.C. 12653d).

SEC. 1803. INNOVATIVE AND MODEL PROGRAM SUPPORT.

Subtitle H is further amended by adding at the end the following:

''PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

''SEC. 198D. INNOVATIVE AND MODEL PROGRAM SUPPORT.

''(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may, through grants and fixed amount grants under subsection (c), carry out the following programs:

''(1) PROGRAMS FOR DISADVANTAGED YOUTH.—A program selected from among those listed in 122(a) where no less than 75 percent of the participants are disadvantaged youth.

''(A) COMPONENTS OF PROGRAMS.—Such programs may include life skills training, employment training, educational counseling, program to complete a high-school diploma or GED, counseling, or a mentoring relationship with an adult volunteer.

''(B) PRIORITY.—Priority shall be given to programs that engage retirees to serve as mentors.

''(2) PROGRAMS FOCUSED ON LEARNING AND THINKING SKILLS.—Service programs to solve community problems while engaging or developing 21st century learning and thinking skills (critical-thinking and problem solving, communication skills, creativity and innovation skills, collaboration skills, contextual learning skills, information and media literacy skills, and information and communications literacy) and life skills (leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility) for school-age youth and low income adults. This may be a summer of service program or a year-round service program. Priority shall be given to programs that collaborate with the RSVP program, the AmeriCorps programs, or the Learn and Serve programs.

''(3) PROGRAMS THAT ENGAGE YOUTH UNDER THE AGE OF 17.—Programs that engage youth under the age of 17 in service to the community to meet unmet human, educational, environmental, emergency and disaster preparedness, or public safety needs and may be a summer program or a year-round program. Priority shall be given to programs that collaborate with the RSVP Program and the AmeriCorps programs.

''(4) PROGRAMS THAT FOCUS ON HEALTH AND WELLNESS.—Service programs that focus on the health and wellness of the members of a low-income or rural community. Priority shall be given to service programs that work to—

''(A) involve the community in service to those who are at-risk to not receive or pursue health care through such activities as health and wellness education, prevention, and care;

''(B) include in the service program employment training, where applicable, for participants in the program and may extend this opportunity to members of the community; and

''(C) collaborate with local institutions of higher education to include, as a portion of the pre-professional training of health care professionals including nurses, doctors, physician assistants, dentists, and emergency medical technicians, a service component to meet unmet healthcare and wellness needs in the community in which the service program is being carried out.

''(5) SILVER SCHOLARSHIP PROGRAMS.—A Silver Scholarship program for citizens age 55 and older to complete no less than 600 hours of service in a year meeting unmet human, educational, public safety, or environmental needs and receive a $1000 education award, provided that—

''(A) the Corporation establishes criteria for the types of the service required to be performed to receive such award; and

''(B) the citizen uses such award in accordance with sections 146(c), 146(d), and 148(c).

''(6) PROGRAMS THAT REDUCE RECIDIVISM.—Programs that re-engage court-involved youth and adults with the goal of reducing recidivism. Priority shall be given to such programs that create support systems beginning in corrections facilities, and programs that have life skills training, employment training, an education program, including a program to complete a high-school diploma or GED, educational and career counseling, post program placement, and support services, which could begin in corrections facilities. The program may include health and wellness programs, including but not limited to drug and alcohol treatment, mental health counseling, and smoking cessation.

''(7) PROGRAMS THAT RECRUIT CERTAIN INDIVIDUALS.—Demonstration projects for programs that have as one of their primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members. Such a program may serve any purpose otherwise permitted under this Act.

''(8) OTHER INNOVATIVE AND MODEL PROGRAMS.—Any other innovative and model programs that the Corporation considers appropriate.

''(b) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 76 percent of the total cost of the program in the first year and may not exceed 50 percent of the total cost of the program for the remaining years of the grant, including if the grant is extended for 1 year.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(3) COLLABORATION ENCOURAGED.—Each program funded under this part is encouraged to collaborate with Learn and Serve, AmeriCorps, VISTA, and the National Senior Service Corps.

''(4) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies, and recommendations for improvement.

''(c) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(d) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

SEC. 1804. CLEARINGHOUSES.

Subtitle H is further amended by adding at the end the following:

''PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

''SEC. 198E. NATIONAL SERVICE PROGRAMS CLEARINGHOUSE.

''(a) IN GENERAL.—The Corporation shall provide assistance, either by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish one or more clearinghouses for the national service laws.

''(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

''(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

''(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws unless the recipient is receiving funds for such purpose under part III of subtitle B and under subtitle H;

''(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

''(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

''(4) facilitate communication among entities carrying out service-learning programs and programs offered under the national service laws and participants in such programs;

''(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, Territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

''(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

''(7) disseminate applications in languages other than English;

''(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

''(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

''(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

''(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

''(11) collaborate with the Office of Outreach and Recruitment on an alumni network for those former participants in an approved national service position, to facilitate communication and collaboration between alumni and to leverage their skills, knowledge, and experiences to improve service across our Nation and also serve in a Reserve Corps, who are ready to serve in times of national need;

''(12) disseminate effective strategies for working with disadvantaged youth in national service programs as determined by organizations with an established expertise working with such youth; and

''(13) carry out such other activities as the Chief Executive Officer determines to be appropriate.''.

Subtitle I—Energy Conservation Corps

SEC. 1811. GENERAL AUTHORITY.

The Corporation for National and Community Service (in this subtitle referred to as the ''Corporation'') shall make grants to States for the creation or expansion of full-time or part-time Energy Conservation Corps programs. Notwithstanding provisions identified in this subtitle, the Corporation shall apply the provisions of subtitle C of this subchapter in making grants under this section as necessary.

SEC. 1812. APPLICATION.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a State shall invite applications from within the State to receive an Energy Conservation Corps grant.

(b) PROCESS.—The State shall then prepare and submit a State application to the Corporation at such time, in such manner, and containing such information as the Corporation may reasonably require. The Corporation shall consult with state and local Conservation Corps in the development of the application guidelines.

(c) DISADVANTAGED YOUTH.—To acknowledge the focused enrollment of disadvantaged youth and young adults in the Energy Conservation Corps, the Corporation shall—

(1) allow a higher cost-per-member to enable Energy Conservation Corps programs to provide the necessary supportive services to ensure the success of the participants; and

(2) allow for greater flexibility in retention rates.

(d) CONSIDERATION OF RESIDENTIAL CORPS.—The Corporation shall allow for equal consideration of residential Corps program opportunities since residential Corps thrive in rural areas that commonly lack opportunities for young adults, enable the participation for emancipated foster youth, gang involved youth, and others lacking a safe and stable home environment, allow for more structured time for work, training, education and counseling, and provide disaster response-ready crews immediately upon request.

(e) EQUITABLE TREATMENT.—In the consideration of applications, the Corporation shall ensure the equitable treatment of both urban and rural areas.

SEC. 1813. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs that receive assistance under this subtitle may carry out activities that—

(1) meet an identifiable public need with specific emphasis on projects in support of energy conservation, infrastructure and transportation improvement, and emergency operations, including—

(A) improving the energy efficiency of housing for elderly and low-income people;

(B) building energy-efficient ''green'' housing for elderly and low-income people;

(C) environmental education and energy conservation education for elementary and secondary school students and the public;

(D) reusing and recycling including deconstruction;

(E) the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals;

(F) transportation enhancements;

(G) recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(H) transformation of military bases affected by the Base Realignment and Closing process (BRAC) to green the space;

(I) tree planting and reforestation;

(J) renewable resource enhancement; and

(K) assisting in emergency operations, such as disaster prevention and relief; and

(2) provide opportunities for youth and young adults, especially disadvantaged

youth, to be trained for careers related to the activities listed in paragraph (1), including those that will be part of the emerging field of ''green collar'' jobs.

(b) GOALS OF THE ENERGY CONSERVATION CORPS.—The goals of the Energy Conservation Corps are to—

(1) promote clean energy use and preserve, protect, and sustain the environment;

(2) provide young adults with opportunities to become better citizens, students and workers through meaningful service to their communities and the nation;

(3) mobilize youth and young adults, especially disadvantaged youth, to promote energy conservation and mitigate threats to the environment; and

(4) provide a pathway to responsible adulthood and productive, unsubsidized employment in the private sector.

SEC. 1814. TRAINING AND EDUCATION SERVICES.

All applicants must describe how they intend to—

(1) assess the skills of Corpsmembers;

(2) provide life skills and work skills training;

(3) provide training and education;

(4) develop agreements for academic study with—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area charter high schools and vocational-technical schools; and

(E) community-based organizations;

(5) provide career and educational guidance; and

(6) Recruit participants without high school diplomas.

SEC. 1815. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications the Corporation shall give preference to programs that are discrete and—

(1) meet an identifiable public need;

(2) instill a work ethic and a sense of public service in the participants;

(3) involve youth operating in crews or a team-based structure; and

(4) enhance skills development and educational level and opportunities for the participants.

SEC. 1816. PARTICIPANTS.

(a) IN GENERAL.—Age enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are not less than 18 years nor more than 25 years of age, except that summer programs may include individuals not less than 14 years or more than 21 years of age at the time of the enrollment of such individuals.

(b) PARTICIPATION OF DISADVANTAGED YOUTH.—Programs that receive assistance under this subtitle shall ensure that at least 50 percent of the participants are economically disadvantaged youth.

(c) SPECIAL CORPSMEMBERS.—Notwithstanding subsection (a) of this section, program agencies may enroll a limited number of special Corpsmembers over age 25 so that the Energy Conservation Corps may draw on their special skills to fulfill the purposes of this subtitle.

SEC. 1817. USE OF VOLUNTEERS.

The use of volunteer services under this section shall be subject to the condition that such use does not result in the displacement of any participant.

SEC. 1818. COOPERATION AMONG STATES FOR EMERGENCY RESPONSE.

(a) AGREEMENTS BETWEEN STATES.—States operating an Energy Conservation Corps may enter into a compact with participating states to provide for mutual cooperation to manage any emergency or disaster that is duly declared by the affected state.

(b) PARTICIPATING STATE RESPONSIBILITIES.—

(1) The authorized representative of a participating state may request assistance of another party by contracting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives.

(2) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

SEC. 1819. FEDERAL SHARE.

The federal share of the cost of carrying out an Energy Conservation Corps program for which a grant is made under this subtitle is 76 percent of the total cost of the program.

SEC. 1820. BEST PRACTICES.

(a) TRAINING AND TECHNICAL ASSISTANCE.—The Corporation shall provide technical assistance to grantees that request assistance and shall disseminate best practices that emerge from the Energy Conservation Corps.

(b) CONTRACT.—In providing training and technical assistance, the Corporation shall contract with a national organization with a proven track record of developing and sustaining Corps, working with the Conservation Corps model, and engaging young people from disadvantaged backgrounds.

SEC. 1820A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 through 2010 to achieve the purposes of this subtitle.

(b) ALLOCATION.—Of the amounts appropriated to carry out this subtitle for each fiscal year—

(1) 90 percent shall be for grants to eligible entities;

(2) 5 percent shall be technical assistance, and dissemination of best practices; and

(3) 5 percent shall be for evaluation.

SEC. 1820B. LEARN AND SERVE AMERICA.

(a) IN GENERAL.—To promote Learn and Serve programs that have the potential to reach every student in our public education network and private schools through school-based green service-learning, the Corporation shall establish a competitive grant program for the creation or expansion of such service learning programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State Education Agency, Local education Agency, or nonprofit organization shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—For this purpose, there are authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

SEC. 1820C. NATIONAL SENIOR SERVICE CORPS.

(a) IN GENERAL.—To promote National Senior Service Corps programs that have the potential to both involve seniors in providing meaningful volunteer opportunities the Corporation shall establish a competitive grant program for the creation or expansion of National Senior Service Corps programs that—

(1) make effective use of the talents and experience of seniors, particularly baby boomers, in programs and projects involving seniors in the improvement of the energy efficiency of housing for elderly and low-income people;

(2) building or helping to supervise energy-efficient ''green'' housing for elderly and low-income people; the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals; transportation enhancements; recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(3) volunteering in schools to teach or other support environmental education and energy conservation education for elementary and secondary school students and the public; and

(4) assisting in such other activities as the National Senior Service Corps may identify.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a program in the National Senior Service Corps shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION.—For this purpose, there is authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

Subtitle II—Training and Technical Assistance

SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

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

''Subtitle J—Training and Technical Assistance

''SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Corporation shall conduct, either directly or through grants, contracts, or cooperative agreements, including through State Commissions on National and Community Service, appropriate training and technical assistance to—

''(1) programs receiving assistance under the national service laws; and

''(2) entities (particularly those in rural areas and underserved communities)—

''(A) that desire to carry out or establish national service programs;

''(B) that desire to apply for assistance under the national service laws; or

''(C) that desire to apply for a subgrant under the national service laws.

''(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

''(1) providing technical assistance to those applying to carry out national service programs or those carrying out national service programs;

''(2) promoting leadership development in national service programs;

''(3) improving the instructional and programmatic quality of national service programs;

''(4) developing the management and budgetary skills of those operating or overseeing national service programs, including to increase the cost effectiveness of the programs under the national service laws;

''(5) providing for or improving the training provided to the participants in programs under the national service laws;

''(6) facilitating the education of national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

''(7) training of those operating or overseeing national service programs in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner which results in high quality service and the desire of participants or volunteers to continue to serve in other capacities after the program is completed;

''(8) training of those operating or overseeing national service programs in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the program;

''(9) training of those operating or overseeing national service programs to effectively accommodate people with disabilities to increase the participation of people with disabilities in national service programs. Such activities may utilize funding from the reservation of funds to increase the participation of individuals with disabilities as described in section 129(k);

''(10) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation and to coordinate community-wide planning and service;

''(11) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973; and

''(12) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

''(c) PRIORITY.—The Corporation shall give priority to programs under the national service laws and those entities wishing to establish programs under the national service laws seeking training or technical assistance that—

''(1) seek to carry out (as defined in section 101) high quality programs where the services are needed most;

''(2) seek to carry out (as defined in section 101) high quality programs where national service programs do not currently exist or where the programs are too limited to meet community needs;

''(3) seek to carry out (as defined in section 101) high quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

''(4) assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.''.

Subtitle III—Repeal of Title III (Points of Light Foundation)

SEC. 1831. REPEAL.

Title III (42 U.S.C. 12661 et seq.) is repealed.

Subtitle IV—Amendments to Title V (Authorization of Appropriations)

SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.

Section 501 (42 U.S.C. 12681) is amended to read as follows:

''SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) SUBTITLE B.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

''(i) $65,000,000 for fiscal year 2008; and

''(ii) such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

''(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

''(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

''(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

''(C) SUMMER OF SERVICE.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to $10,000,000 shall be for summer of service grants and up to $10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 118(c)(8).

''(2) SUBTITLES C, D, AND H.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to administer the National Service Trust and disburse national service educational awards and scholarships under subtitle D of title I, and to carry out such audits and evaluations as the Chief Executive Officer or the Inspector General of the Corporation may determine to be necessary, $485,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under subsections (b) and (c) of section 126, and under subtitle H of title I.

''(C) SUBTITLE C.—Of the amount appropriated under subparagraph (A), the following amounts shall be made available to provide financial assistance under section 121 of subtitle C of title I:

''(i) For fiscal year 2008, not more than $324,000,000.

''(ii) For fiscal year 2009, not more than $357,000,000.

''(iii) For fiscal year 2010, not more than $397,000,000.

''(iv) For each of fiscal years 2011 through 2012, such sums as may be necessary.

''(D) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in subparagraph (C), priority shall be given to programs carried out in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), as a consequence of Hurricanes Katrina and Rita.

''(3) SUBTITLE E.—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, $25,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under sections 126(a) and 196B, $51,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year—

''(i) up to 69 percent shall be made available to the Corporation for the administration of this Act, including to provide financial assistance under section 196B; and

''(ii) the remainder shall be available to provide financial assistance under section 126(a).

''(5) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve up to 2.5 percent to carry out subtitle J of this Act. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which they are reserved.

''(b) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.''.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of a provision, the reference shall be considered to be made to a provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

SEC. 2101. PURPOSE.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking ''both young and older citizens'' and inserting ''citizens of all ages and backgrounds''; and

(2) in subsection (b), by striking ''local agencies'' and all that follows through the period at the end and inserting ''local agencies, expand relationships with, and support for, the efforts of civic, community, and educational organizations, and utilize the energy, innovative spirit, experience, and skills of all Americans.''.

SEC. 2102. PURPOSE OF THE VISTA PROGRAM.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking ''afflicted with'' and inserting ''affected by''; and

(2) in the third sentence, by striking ''local level'' and all that follows through the period at the end and inserting ''local level, to support efforts by local agencies and organizations to achieve long-term sustainability of projects, consistent with section 186 of the National and Community Service Act of 1990, initiated or expanded under the VISTA program activities, and to strengthen local agencies and community organizations to carry out the purpose of this part.''.

SEC. 2103. APPLICATIONS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,''; and

(B) in paragraph (2)—

(i) by striking ''handicapped'' and inserting ''disabled''; and

(ii) by striking ''handicaps'' and inserting ''disabilities'';

(C) in paragraph (3), by striking ''jobless, the hungry, and low-income'' and inserting ''unemployed, the hungry, and low-income'';

(D) in paragraph (4), by striking ''prevention, education,'' and inserting ''through prevention, education, rehabilitation, and treatment,'';

(E) in paragraph (5), by inserting '', mental illness,'' after ''including'';

(F) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(G) in paragraph (7), by striking the period and inserting a semicolon; and

(H) by adding at the end the following new paragraphs:

''(8) in the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling;

''(9) in developing and carrying out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education;

''(10) in initiating and supporting before-school and after-school programs servicing children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills, or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children;

''(11) in establishing and supporting community economic development initiatives, including micro-enterprises, with a priority

on such programs in rural areas and other areas where such programs are needed most;

''(12) in assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services; and

''(13) in addressing the health and wellness of low-income and underserved communities, including programs to increase access to preventive services, insurance, and health care.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''recruitment and placement procedures'' and inserting ''placement procedures that involve sponsoring organizations and'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) strike ''related to the recruitment and'' and insert ''related to the'';

(II) strike ''in conjunction with the recruitment and'' and insert ''in conjunction with the''; and

(III) strike ''1993. Upon'' and all that follows through the period at the end and insert ''1993.'';

(ii) in subparagraph (B), by striking ''central information system that shall, on request, promptly provide'' and inserting ''database that provides''; and

(iii) in subparagraph (C)—

(I) by striking ''timely and effective'' and inserting ''timely and cost-effective''; and

(II) by striking ''the recruitment of volunteers'' and inserting ''recruitment and management of volunteers''; and

(C) in paragraph (3), by adding at the end the following: ''The Director shall give priority to—

''(A) disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) and low-income adults; and

''(B) retired adults of any profession, but with an emphasis on those professions whose services and training are most needed in a community, such as the health care professions, teaching, counseling, and engineering and other professions requiring a high level of technical and project management skills, to utilize their experience, including professional skills, in the VISTA program.'';

(D) in paragraph (5)(B), by striking ''information system'' and inserting ''database'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''personnel described in subsection (b)(2)(C)'' and inserting ''personnel described in subsection (b)(2)(C), sponsoring organizations, and the Office of Outreach and Recruitment'';

(ii) in subparagraph (A), by inserting ''the Internet and related technologies,'' after ''television,'';

(iii) in subparagraph (B), by inserting ''Internet and related technologies,'' after ''through the'';

(iv) in subparagraph (C), by inserting after ''senior citizens organizations,'' the following: ''offices of economic development, State employment security agencies, employment offices,'';

(v) in subparagraph (F), by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''; and

(vi) in subparagraph (G), by striking '', on request,'';

(B) in paragraph (3), by striking ''this subsection'' and inserting ''this subsection and related public awareness and recruitment activities under the national service laws and through the Office of Outreach and Recruitment''; and

(C) in paragraph (4)—

(i) by striking ''Beginning'' and all that follows through ''for the purpose'' and inserting ''For the purpose''; and

(ii) by striking ''1.5 percent'' and inserting ''2 percent'';

(4) by amending the second sentence of subsection (d) to read as follows: ''Whenever feasible, such efforts shall be coordinated with an appropriate local workforce investment board established under section 117 of the Workforce Investment Act of 1998.'';

(5) in subsection (g) by striking ''and has been submitted to the Governor'' and all that follows and inserting a period; and

(6) by adding at the end the following:

''(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this title, consistent with the provisions of section 186 of the National and Community Service Act of 1990.''.

SEC. 2104. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

Part A of title I is amended by inserting after section 103 (42 U.S.C. 4953) the following:

''SEC. 103A. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants for VISTA positions to support programs of national significance. Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to that program.

''(b) ACTIVITIES SUPPORTED.—The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern low-income and rural communities in the Nation:

''(1) In the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling.

''(2) In developing and carrying-out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education.

''(3) In initiating and supporting before-school and after-school programs in low-income communities that may include such activities as establishing mentoring relationships, physical education, tutoring, instruction in 21st century thinking skills, life skills, and study skills, community service, service-learning, nutrition and health education, and other activities aimed at keeping children, safe, educated, and healthy, which serve the children in such community.

''(4) In establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and areas where such programs are needed most.

''(5) In assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services.

''(6) In addressing the health and wellness of low-income and underserved communities across our Nation, including programs to fight childhood obesity through nutrition, physical fitness, and other associated life skills education programs and programs to increase access to preventive services, insurance, and health care.

''(c) REQUIREMENTS.—

''(1) ELIGIBILITY.—In order to receive a grant under subsection (a), an applicant shall submit an application to the Director at such time and in such manner as the Director requires and receive approval of the application. Such application shall, at a minimum, demonstrate to the Director a level of expertise in carrying out such a program.

''(2) SUPPLEMENT NOT SUPPLANT.—Funds made available under subsection (d) shall be used to supplement and not supplant the number of VISTA volunteers engaged in programs addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this title.

''(d) FUNDING.—

''(1) IN GENERAL.—From the amounts appropriate under section 501 for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).

''(2) LIMITATION.—No funds shall be made available to the Director to make grants under subsection (a) unless the amounts appropriated under section 501 available for such fiscal year to carry out part A are sufficient to maintain the number of projects and volunteers funded under part A in the preceding fiscal year.

''(e) INFORMATION.—The Director shall widely disseminate information on grants that may be made under this section, including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2105. TERMS AND PERIODS OF SERVICE.

Section 104(d) (42 U.S.C. 4954(d)) is amended—

(1) in the first sentence, by striking ''with the terms and conditions of their service.'' and inserting ''with the terms and conditions of their service or any adverse action, such as termination, proposed by the sponsoring organization. The procedure shall provide for an appeal to the Director of any proposed termination.''; and

(2) in the third sentence (as amended by this section), by striking ''and the terms and conditions of their service''.

SEC. 2106. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended by striking ''Such stipend'' and all that follows through ''in the case of persons'' and inserting ''Such stipend shall be set at a minimum of $125 per month and a maximum of $150 per month, subject to the availability of funds to accomplish such a maximum. The Director may provide a stipend of $250 per month in the case of persons''.

SEC. 2107. SECTIONS REPEALED.

The following provisions are repealed:

(1) VISTA LITERACY CORPS.—Section 109 (42 U.S.C. 4959).

(2) UNIVERSITY YEAR FOR VISTA.—Part B of title I (42 U.S.C. 4971 et seq.).

(3) LITERACY CHALLENGE GRANTS.—Section 124 (42 U.S.C. 4995).

SEC. 2108. CONFORMING AMENDMENT.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking ''situations'' and inserting ''organizations''.

SEC. 2109. FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended—

(1) in the section heading by striking ''technical and''; and

(2) by striking ''technical and''.

Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

SEC. 2201. CHANGE IN NAME.

Title II (42 U.S.C. 5000 et seq.) is amended in the title heading by striking ''**NATIONAL SENIOR VOLUNTEER CORPS**'' and inserting ''**NATIONAL SENIOR SERVICE CORPS**''.

SEC. 2202. PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

''SEC. 200. STATEMENT OF PURPOSE.

''It is the purpose of this title to provide—

''(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

''(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

''(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

''(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need;

''(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide critical support services and companionship to adults at risk of institutionalization and who are struggling to maintain a dignified independent life; and

''(6) for research, training, demonstration, and other program activities to increase and improve opportunities for people 55 years of age or older to meet unmet needs, including those related to public safety, public health, and emergency and disaster preparedness, relief, and recovery, in their communities.''.

SEC. 2203. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

Section 201 (42 U.S.C. 5001) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''avail themselves of opportunities for volunteer service in their community'' and inserting ''share their experiences, abilities, and skills for the betterment of their communities and themselves through service'';

(B) in paragraph (2), by striking '', and individuals 60 years of age or older will be given priority for enrollment,'';

(C) in paragraph (3) by inserting ''either prior to or during the volunteer service'' after ''may be necessary''; and—

(D) by striking paragraph (4) and inserting the following:

''(4) the project is being designed and implemented with the advice of experts in the field of service to be delivered as well as with those who have expertise in the recruitment and management of volunteers, particularly those of the Baby Boom generation.'';

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

''(c) The Director shall give priority to projects—

''(1) utilizing retired scientists, technicians, engineers, and mathematicians (the STEM professionals) to improve Science, Technology, Engineering, and Mathematics (STEM) education through activities such as assisting teachers in classroom demonstrations or laboratory experiences, running after-school, weekend, or summer programs designed to engage disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or low-income, minority youth in the STEM fields and to improve mastery of the STEM content, providing field trips to businesses, institutions of higher education, museums, and other locations where the STEM professions are practiced or illuminated;

''(2) utilizing retired health care professionals to improve the health and wellness of low income or rural communities;

''(3) utilizing retired criminal justice professionals for programs designed to prevent disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) from joining gangs or committing crimes;

''(4) utilizing retired military and emergency professionals for programs to improve public safety, emergency and disaster preparedness, relief, and recovery, search and rescue, and homeland security efforts; and

''(5) utilizing retired computer science professionals, technicians of related technologies, business professionals, and others with relevant knowledge to increase, for low income individuals and families, access to and obtaining the benefits from computers and other existing and emerging technologies.''; and

(3) by adding at the end the following:

''(e) COMPETITIVE GRANT AWARDS REQUIRED.—

''(1) IN GENERAL.—Effective for fiscal year 2013 and each fiscal year thereafter, each grant or contract awarded under this section in such a year shall be—

''(A) awarded for a period of 3 years; and

''(B) awarded through a competitive process.

''(2) ELEMENTS OF COMPETITIVE PROCESS.—The competitive process required by paragraph (1)(B)—

''(A) shall include the use of a peer review panel, including members with expertise in senior service and aging;

''(B) shall ensure that—

''(i) the resulting grants (or contracts) support no less than the volunteer service years of the previous grant (or contract) cycle in a given geographic service area;

''(ii) the resulting grants (or contracts) maintain a similar program distribution; and

''(iii) every effort is made to minimize the disruption to volunteers; and

''(C) shall include the performance measures, outcomes, and other criteria established under subsection (f).

''(3) ESTABLISHMENT OF COMPETITIVE PROCESS.—The Corporation shall establish and make available the competitive process required by paragraph (1)(B) no later than 18 months after the date of the enactment of this subsection. The Corporation shall consult with the program directors of the Retired Senior Volunteer Program during development and implementation of the competitive process.

''(f) EVALUATION PROCESS REQUIRED.—

''(1) IN GENERAL.—Notwithstanding section 412, and effective beginning 180 days after the date of the enactment of this subsection, each grant or contract under this section that expires in fiscal year 2010, 2011, and 2012 shall be subject to an evaluation process. The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2009, 2010, and 2011, respectively.

''(2) ELEMENTS OF EVALUATION PROCESS.—The evaluation process required by paragraph (1)—

''(A) shall include performance measures, outcomes, and other criteria; and

''(B) shall evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria.

''(3) ESTABLISHMENT OF EVALUATION PROCESS.—The Corporation shall, in collaboration and consultation with program directors of the Retired Senior Volunteer Program, establish and make available the evaluation process required by paragraph (1), including the performance measures, outcomes, and other criteria required by paragraph (2)(A), with particular attention to the different needs of rural and urban programs. The processes shall be established and made available, including notification of the available training and technical assistance, no later than 180 days after the date of the enactment of this subsection.

''(4) EFFECT OF FAILING TO MEET PERFORMANCE MEASURES.—If the evaluation process determines that the recipient has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection, the grant or contract shall not be renewed. Any successor grant or contract shall be awarded through the competitive process described in subsection (e)(1).

''(5) SPECIAL RULE.—The Corporation may continue to fund a program which has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for up to 12 months if competition does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and disruption of services. In such a case, outreach shall be conducted and a new competition shall be established. The previous recipient shall remain eligible for the new competition.

''(6) PERFORMANCE MEASURES.—

''(A) IN GENERAL.—The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with program directors for the Retired Senior Volunteer Program, but no earlier than fiscal year 2013.

''(B) OPERATIONAL PROBLEMS.—Effective for fiscal years before fiscal year 2013, the Corporation may, after consulting with program directors of the Retired Senior Volunteer Program, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with program directors of the Retired Senior Volunteer Program and after notifying the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

''(i) eliminate the use of that performance measure, outcome, or criterion; or

''(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

''(g) ONLINE RESOURCE GUIDE.—The Corporation shall develop and disseminate an online resource guide for the Retired Senior Volunteer Program within 180 days after the date of the enactment of this subsection, which shall include, but not be limited to—

''(1) examples of high performing programs;

''(2) corrective actions for underperforming programs; and

''(3) examples of meaningful outcome-based performance measures that capture a program's mission and priorities.

''(h) REPORT TO CONGRESS.—The Corporation shall submit, by 2012, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

''(1) the number of programs that did not meet or exceed the established performance

measures, outcomes, and other criteria established under subsection (f);

''(2) the number of new grants awarded;

''(3) the challenges to the implementation of evaluation and competition, including but not limited to geographic distribution and the minimization of disruption to volunteers; and

''(4) how the current program geographic distribution affects recruitment for the Retired Senior Volunteer Program.''.

SEC. 2204. FOSTER GRANDPARENT PROGRAM GRANTS.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a), by striking ''low-income persons aged sixty or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—'' and inserting ''may determine—'';

(ii) in subparagraph (A), by striking ''and'';

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

(iv) by adding after subparagraph (B) the following:

''(C) whether it is in the best interests of a child receiving, and of a particular foster grandparent providing, services in such a project, to continue such relationship after the child reaches the age of 21, if such child was receiving such services prior to attaining the age of 21.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2) (as redesignated by this section), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

(4) by adding after paragraph (2) (as redesignated by this section) the following:

''(3) If an assignment of a foster grandparent is suspended or discontinued, the replacement of that foster grandparent shall be determined through the mutual agreement of all parties involved in the provision of services to the child.'';

(5) in subsection (d), in the second sentence, by striking ''Any stipend'' and all that follows through ''inflation,'' and inserting ''Any stipend or allowance provided under this part shall not exceed 75 percent of the minimum wage under section 6 the Fair Labor Standards Act of 1938 (29 U.S.C. 206), and the Federal share shall not be less than $2.65 per hour, provided that the Director shall adjust the Federal share once prior to December 31, 2012, to account for inflation,'';

(6) in subsection (e)—

(A) in paragraph (1), by striking ''125'' and inserting ''200''; and

(B) in paragraph (2), by striking '', as so adjusted'' and all that follows through ''local situations'';

(7) by striking subsection (f) and inserting:

''(f)(1) Subject to the restrictions in paragraph (3), individuals who are not low-income persons may serve as volunteers under this part. The regulations issued by the Director to carry out this part (other than regulations relating to stipends or allowances to individuals authorized by subsection (d)) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(2) Except as provided under paragraph (1), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(3) An individual who is not a low-income person may not become a volunteer under this part if allowing that individual to become a volunteer under this part would prevent a low-income person from becoming a volunteer under this part or would displace a low-income person from being a volunteer under this part.

''(4) The Office of Outreach and Recruitment shall conduct outreach to ensure the inclusion of low-income persons in programs and activities authorized under this title.''; and

(8) by adding at the end the following new subsections:

''(g) The Director may also provide a stipend or allowance in an amount not to exceed 10 percent more than the amount established under subsection (d) to leaders who, on the basis of past experience as volunteers, special skills, and demonstrated leadership abilities, may coordinate activities, including training, and otherwise support the service of volunteers under this part.

''(h) The program may accept up to 15 percent of volunteers serving in a project under this part for a fiscal year who do not meet the definition of 'low-income' under subsection (e), upon certification by the recipient of a grant or contract that it is unable to effectively recruit and place low-income volunteers in the number of placements approved for the project.''.

SEC. 2205. SENIOR COMPANION PROGRAM GRANTS.

Section 213 (42 U.S.C. 5013) is amended—

(1) in subsection (a), by striking ''low-income persons aged 60 or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b), by striking ''Subsections (d), (e), and (f)'' and inserting ''Subsections (d) through (h)''; and

(3) by striking subsection (c)(2)(B) and inserting the following:

''(B) Senior companion volunteer trainers and leaders may receive a stipend or allowance consistent with subsection (g) authorized under subsection (d) of section 211, as approved by the Director.''.

SEC. 2206. PROMOTION OF NATIONAL SENIOR SERVICE CORPS.

Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking ''VOLUNTEER'' and inserting ''SERVICE''; and

(2) in subsection (b)(2), by inserting ''of all ages and backgrounds living in rural, suburban, and urban localities'' after ''greater participation of volunteers''.

SEC. 2207. TECHNICAL AMENDMENTS.

(a) CHANGE IN AGE ELIGIBILITY.—Section 223 (42 U.S.C. 5023) is amended by striking ''sixty years and older from minority groups'' and inserting ''55 years and older from minority and underserved populations''.

(b) NAME CHANGE.—Section 224 (42 U.S.C. 5024) is amended in the heading by striking ''VOLUNTEER'' and inserting ''SERVICE''.

SEC. 2208. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

''(2) Applicants for grants under paragraph (1) shall determine which program under part A, B, or C the program shall be carried out and submit an application as required for programs under part A, B, or C.''; and

(B) by adding at the end the following:

''(4) The Director shall ensure that at least 50 percent of the grants made under this section are from applicants currently not receiving assistance from the Corporation and when possible in locations where there are no current programs under part A, B, C in existence.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: ''or Alzheimer's disease, with an intent of allowing those served to age in place'';

(B) in paragraph (2), by inserting before the period at the end the following: ''through education, prevention, treatment, and rehabilitation'';

(C) in paragraph (3), by inserting before the period at the end the following: '', including programs that teach parenting skills, life skills, and family management skills'';

(D) by amending paragraph (4) to read as follows:

''(4) Programs that establish and support mentoring programs for disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990), including those mentoring programs that match youth with volunteer mentors leading to apprenticeship programs and employment training.'';

(E) in paragraph (5), by inserting before the period at the end the following: '', including those programs that serve youth and adults with limited English proficiency'';

(F) in paragraph (6), by striking ''and'' and all that follows through the period and insert ''and for individuals and children with disabilities or chronic illnesses living at home.'';

(G) in paragraph (7), by striking ''after-school activities'' and all that follows through the period at the end and inserting ''after-school programs serving children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children, including those of working parents.'';

(H) by striking paragraphs (8), (9), (12), (13), (14), (15), (16), and (18);

(I) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(J) by inserting after paragraph (9) (as so redesignated) the following:

''(10) Programs that engage older adults with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community.

''(11) Programs that collaborate with criminal justice professionals and organizations in prevention programs aimed at disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or youth re-entering society after incarceration and their families, which may include mentoring and counseling, which many include employment counseling.'';

(K) by redesignating paragraph (17) as paragraph (12); and

(L) by adding at the end the following:

''(13) Programs that strengthen community efforts in support of homeland security.'';

(3) in subsection (c)(1), by striking ''shall demonstrate to the Director'' and all that follows through the period at the end and inserting ''shall demonstrate to the Director a level of expertise in carrying out such a program.''; and

(4) in subsection (e)—

(A) by inserting ''widely'' before ''disseminate''; and

(B) by striking ''to field personnel'' and all that follows through the period at the end and inserting '', including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2209. ADDITIONAL PROVISIONS.

Part D of title II (42 U.S.C. 5000 et seq.) is amended by adding after section 227 the following:

''SEC. 228. CONTINUITY OF SERVICE.

''To ensure the continued service of individuals in communities served by the Retired and Senior Volunteer Program prior to enactment of this section, in making grants under this title the Corporation shall take actions it considers necessary to maintain service assignments for such seniors and to ensure continuity of service for communities.

''SEC. 229. ACCEPTANCE OF DONATIONS.

''(a) IN GENERAL.—Except as provided in subsection (b), a program receiving assistance under this title may accept donations, including donations in cash or in kind.

''(b) EXCEPTION.—Notwithstanding subsection (a), a program receiving assistance under this title shall not accept donations from the beneficiaries of the program.''.

SEC. 2210. AUTHORITY OF DIRECTOR.

Section 231 (42 U.S.C. 5028) is amended—

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

''(a) IN GENERAL.—

''(1) ACTIVITIES AUTHORIZED.—The Director is authorized to—

''(A) make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers; and

''(B) make incentive grants under subsection (d).

''(2) SUPPORT OF VOLUNTEERS.—The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)(A)'';

(B) in paragraph (1), by striking ''activities;'' and inserting ''activities described in section 225(b) and carried out through programs described in parts A, B, and C;''; and

(C) by striking paragraphs (2) and (3) and inserting the following:

''(2) programs that support older Americans in aging in place while augmenting the capacity of members of a community to serve each other through reciprocal service centers, service credit banking, community economic scripts, barter services, timebanking, and other similar programs where services are exchanged and not paid for; or

''(3) grants to non-profit organizations to establish sites or programs to—

''(A) assist retiring or retired individuals in locating opportunities for—

''(i) public service roles, including through paid or volunteer service;

''(ii) participating in life-planning programs, including financial planning and issues revolving around health and wellness; and

''(iii) continuing education, including leadership development, health and wellness, and technological literacy; and

''(B) connect retiring or retired individuals with members of the community to serve as leaders and mentors in life planning, relationships, employment counseling, education counseling, and other areas of expertise as developed by the retiring or retired adults.''; and

(3) by adding at the end the following:

''(c) PRIORITY.—For purposes of subsection (b)(2), priority shall be given to—

''(1) programs with established experience in carrying out such a program and engaging the entire community in service exchange;

''(2) programs with the capacity to connect to similar programs throughout a city or region to augment the available services to older Americans and for members of the community to serve each other;

''(3) programs seeking to establish in an area where needs of older Americans are left unmet and older Americans are unable to consider aging in place without such service exchange in place; and

''(4) programs that integrate participants in or collaborate with service-learning programs, AmeriCorps State and National programs, the VISTA program, the Retired and Senior Volunteer Program, Foster Grandparents program, and the Senior Companion programs, and programs described in section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032).

''(d) INCENTIVE GRANTS.—The incentive grants referred to in subsection (a)(1)(B) are incentive grants to programs receiving assistance under this title, subject to the following:

''(1) Such grants (which may be fixed-amount grants) shall be grants in an amount equal to $300 per volunteer enrolled in the program, except that such amount shall be reduced as necessary to meet the goals of this section.

''(2) Such a grant shall be awarded to a program only if the program—

''(A) exceeds performance measures established under section 179 of the National and Community Service Act of 1990;

''(B) provides non-Federal matching funds in an amount that is not less than 50 percent of the amount received by the program under this title;

''(C) enrolls more than 50 percent of the volunteers in outcome-based service programs with measurable objectives meeting community needs, as determined by the Corporation; and

''(D) enrolls more volunteers from among members of the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, than were enrolled in the program during the previous fiscal year.

''(3) For each such grant, the Corporation shall require the recipient to provide matching funds of 70 cents from non-Federal sources for every $1 provided under the grant.

''(4) Such a grant shall be awarded to a program only if the program submits, at such time and in such manner as the Corporation may reasonably require, an application that contains—

''(A) a demonstration that the program has met the requirements of paragraph (2);

''(B) if applicable, a plan for innovative programs as described in paragraph (6)(B)(ii);

''(C) a sustainability plan that describes how the program will maintain the activities described in paragraph (6) when the grant terminates; and

''(D) other information that the Corporation may require.

''(5) Such grants shall be awarded for a period of 3 years, except that the grant shall be reviewed by the Corporation at the end of the first and second fiscal years and revoked if the Corporation finds that the program has failed to continue to meet the requirements of paragraph (2) for those fiscal years.

''(6) Such grants—

''(A) shall be used to increase the number of volunteers in outcome-based service with measurable objectives meeting community needs as determined by the Corporation; and

''(B) may be used—

''(i) for activities for which the program is authorized to receive assistance under this title; and

''(ii) for innovative programs focused on the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, that have been accepted by the Corporation through the application process in paragraph (4) and are outcome-based programs with measurable objectives meeting community needs as determined by the Corporation.

''(7) The Director shall, in making such grants, give high priority to programs receiving assistance under section 201.''.

Subtitle C—Amendments to Title IV (Administration and Coordination)

SEC. 2301. NONDISPLACEMENT.

Section 404(a) (42 U.S.C. 5044(a)) is amended by striking ''displacement of employed workers'' and inserting ''displacement of employed workers or volunteers (other than participants under the national service laws)''.

SEC. 2302. NOTICE AND HEARING PROCEDURES.

Section 412(a) (42 U.S.C. 5052(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''75'' and inserting ''60''; and

(B) by adding ''and'' at the end;

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as (3).

SEC. 2303. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting '', the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,'';

(2) in paragraph (13), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(3) in paragraph (14)—

(A) by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) by striking ''parts A, B, C, and E of'';

SEC. 2304. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''.

Subtitle D—Amendments to Title V (Authorization of Appropriations)

SEC. 2401. AUTHORIZATION OF APPROPRIATIONS FOR VISTA AND OTHER PURPOSES.

Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', excluding section 109'' and all that follows and inserting ''$100,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.'';

(B) by striking paragraphs (2) and (4) and redesignating paragraphs (3) and (5) as paragraphs (2) and (3); and

(C) in paragraph (2) (as redesignated by this section), by striking '', excluding section 125'' and all that follows and inserting ''such sums as may be necessary for each of fiscal years 2008 through 2012.''; and

(2) by striking subsection (e).

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SENIOR SERVICE CORPS.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

''SEC. 502. NATIONAL SENIOR SERVICE CORPS.

''(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $67,500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $115,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry

out part C of title II, $52,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 2403. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

''SEC. 504. ADMINISTRATION AND COORDINATION.

''There are authorized to be appropriated for the administration of this Act $35,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

TITLE III—AMENDMENTS TO OTHER LAWS

SEC. 3101. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 4101. TABLE OF CONTENTS FOR THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 (42 U.S.C. 12501 note) is amended to read as follows:

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

''Sec. 1. Short title and table of contents.
''Sec. 2. Findings and purpose.
''Sec. 3. Sense of Congress.

''TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

''Subtitle A—General Provisions

''Sec. 101. Definitions.

''Subtitle B—School-Based and Community-Based Service-Learning Programs

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

''Sec. 111. Assistance to States, Territories, and Indian tribes.
''Sec. 112. Allotments.
''Sec. 113. Applications.
''Sec. 114. Consideration of applications.
''Sec. 115. Participation of students and teachers from private schools.
''Sec. 116. Federal, State, and local contributions.
''Sec. 116A. Limitations on uses of funds.

''PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

''Sec. 117. Higher education innovative programs for community service.

''PART III—INNOVATIVE SERVICE-LEARNING PROGRAMS AND RESEARCH

''Sec. 118. Innovative demonstration service-learning programs and research.

''Subtitle C—National Service Trust Program

''PART I—INVESTMENT IN NATIONAL SERVICE

''Sec. 121. Authority to provide assistance and approved national service positions.
''Sec. 122. Types of national service programs eligible for program assistance.
''Sec. 123. Types of national service positions eligible for approval for national service educational awards.
''Sec. 124. Types of program assistance.
''Sec. 126. Other special assistance.

''PART II—APPLICATION AND APPROVAL PROCESS

''Sec. 129. Provision of assistance and approved national service positions.
''Sec. 129A. Education awards only research.
''Sec. 130. Application for assistance and approved national service positions.
''Sec. 131. National service program assistance requirements.
''Sec. 132. Ineligible service categories.
''Sec. 133. Consideration of applications.

''PART III—NATIONAL SERVICE PARTICIPANTS

''Sec. 137. Description of participants.
''Sec. 138. Selection of national service participants.
''Sec. 139. Terms of service.
''Sec. 140. Living allowances for national service participants.
''Sec. 141. National service educational awards.

''Subtitle D—National Service Trust and Provision of National Service Educational Awards

''Sec. 145. Establishment of the National Service Trust.
''Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
''Sec. 147. Determination of the amount of the national service educational award.
''Sec. 148. Disbursement of national service educational awards.
''Sec. 149. Process of approval of national service positions.

''Subtitle E—National Civilian Community Corps

''Sec. 151. Purpose.
''Sec. 152. Establishment of National Civilian Community Corps Program.
''Sec. 153. National service program.
''Sec. 154. Summer national service program.
''Sec. 155. National Civilian Community Corps.
''Sec. 156. Training.
''Sec. 157. Service projects.
''Sec. 158. Authorized benefits for Corps members.
''Sec. 159. Administrative provisions.
''Sec. 160. Status of Corps members and Corps personnel under Federal law.
''Sec. 161. Contract and grant authority.
''Sec. 162. Responsibilities of other departments.
''Sec. 163. Advisory board.
''Sec. 164. Annual evaluation.
''Sec. 166. Definitions.

''Subtitle F—Administrative Provisions

''Sec. 171. Family and medical leave.
''Sec. 172. Reports.
''Sec. 173. Supplementation.
''Sec. 174. Prohibition on use of funds.
''Sec. 175. Nondiscrimination.
''Sec. 176. Notice, hearing, and grievance procedures.
''Sec. 177. Nonduplication and nondisplacement.
''Sec. 178. State Commissions on National and Community Service.
''Sec. 179. Evaluation.
''Sec. 180. Engagement of participants.
''Sec. 181. Contingent extension.
''Sec. 182. Partnerships with schools.
''Sec. 183. Rights of access, examination, and copying.
''Sec. 184. Drug-free workplace requirements.
''Sec. 185. Consolidated application and reporting requirements.
''Sec. 186. Sustainability.
''Sec. 187. Use of recovered funds.
''Sec. 188. Expenses of attending meetings.
''Sec. 189. Grant periods.
''Sec. 189A. Generation of volunteers.
''Sec. 189B. Limitation on program grant costs.
''Sec. 189C. Audits and reports.

''Subtitle G—Corporation for National and Community Service

''Sec. 191. Corporation for National and Community Service.
''Sec. 192. Board of Directors.
''Sec. 192A. Authorities and duties of the Board of Directors.
''Sec. 193. Chief Executive Officer.
''Sec. 193A. Authorities and duties of the Chief Executive Officer.
''Sec. 194. Officers.
''Sec. 195. Employees, consultants, and other personnel.
''Sec. 196. Administration.
''Sec. 196A. Corporation State offices.
''Sec. 196B. Office of Outreach and Recruitment.

''Subtitle H—Investment for Quality and Innovation

''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE

''Sec. 198. Additional corporation activities to support national service.
''Sec. 198B. Presidential awards for service.

''PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

''Sec. 198D. Innovative and model program support.

''PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

''Sec. 198E. National service programs clearinghouse.

''Subtitle I—American Conservation and Youth Corps

''Sec. 199. Short title.
''Sec. 199A. General authority.
''Sec. 199B. Limitation on purchase of capital equipment.
''Sec. 199C. State application.
''Sec. 199D. Focus of programs.
''Sec. 199E. Related programs.
''Sec. 199F. Public lands or Indian lands.
''Sec. 199G. Training and education services.
''Sec. 199H. Preference for certain projects.
''Sec. 199I. Age and citizenship criteria for enrollment.
''Sec. 199J. Use of volunteers.
''Sec. 199K. Living allowance.
''Sec. 199L. Joint programs.
''Sec. 199M. Federal and State employee status.

''Subtitle J—Training and Technical Assistance

''Sec. 199N. Training and technical assistance.

''TITLE II—MODIFICATIONS OF EXISTING PROGRAMS

''Subtitle A—Publication

''Sec. 201. Information for students.
''Sec. 202. Exit counseling for borrowers.
''Sec. 203. Department information on deferments and cancellations.
''Sec. 204. Data on deferments and cancellations.

''Subtitle B—Youthbuild Projects

''Sec. 211. Youthbuild projects.

''Subtitle C—Amendments to Student Literacy Corps

''Sec. 221. Amendments to Student Literacy Corps.

''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

''Sec. 401. Projects.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. Authorization of appropriations.

''TITLE VI—MISCELLANEOUS PROVISIONS

''Sec. 601. Amtrak waste disposal.
''Sec. 602. Exchange program with countries in transition from totalitarianism to Democracy.''.

SEC. 4102. TABLE OF CONTENTS FOR THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Section 1(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 note) is amended to read as follows:

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Volunteerism policy.
''TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS
''PART A—VOLUNTEERS IN SERVICE TO AMERICA
''Sec. 101. Statement of purpose.
''Sec. 102. Authority to operate VISTA program.
''Sec. 103. Selection and assignment of volunteers.
''Sec. 103A. VISTA programs of national significance.
''Sec. 104. Terms and periods of service.
''Sec. 105. Support service.
''Sec. 106. Participation of beneficiaries.
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''Sec. 221. Promotion of National Senior Service Corps.
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''Sec. 421. Definitions.
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''Sec. 501. National volunteer antipoverty programs.
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''Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
''Sec. 602. Creditable service for civil service retirement.
''Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
''Sec. 604. Repeal of title VI of the Older Americans Act.''.

TITLE V—EFFECTIVE DATE

SEC. 5101. EFFECTIVE DATE.

Unless specifically provided otherwise, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 5102. SERVICE ASSIGNMENTS AND AGREEMENTS.

(a) SERVICE ASSIGNMENTS.—Changes pursuant to this Act in the terms and conditions of terms of service and other service assignments under the national service laws (including the amount of the education award) shall apply only to individuals who enroll or otherwise begin service assignments after 90 days after the date of enactment of this Act, except when agreed upon by all interested parties.

(b) AGREEMENTS.—Changes pursuant to this Act in the terms and conditions of grants, contracts, or other agreements under the national service laws shall apply only to such agreements entered into after 90 days after the date of enactment of this Act, except when agreed upon by the parties to such agreements.

(c) EXCEPTION.—Subsections (a) and (b) do not apply to the amendments made by this Act to section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001). Any changes pursuant to those amendments apply as specified in those amendments.

TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Congressional Commission on Civic Service Act''.

SEC. 6102. FINDINGS.

Congress finds the following:

(1) The social fabric of the United States is stronger if individuals in the United States are committed to protecting and serving our Nation by utilizing national service and volunteerism to overcome our civic challenges.

(2) A more engaged civic society will strengthen the Nation by bringing together people from diverse backgrounds and experiences to work on solutions to some of our Nation's major challenges.

(3) Despite declines in civic health in the past 30 years, national service and volunteerism among the Nation's youth are increasing, and existing national service and volunteer programs greatly enhance opportunities for youth to engage in civic activity.

(4) In addition to the benefits received by nonprofit organizations and society as a whole, volunteering and national service provide a variety of personal benefits and satisfaction and can lead to new paths of civic engagement, responsibility, and upward mobility.

SEC. 6103. ESTABLISHMENT.

There is established in the legislative branch a commission to be known as the ''Congressional Commission on Civic Service'' (in this title referred to as the ''Commission'').

SEC. 6104. DUTIES.

(a) GENERAL PURPOSE.—The purpose of the Commission is to gather and analyze information in order to make recommendations to Congress to—

(1) improve the ability of individuals in the United States to serve others and, by doing so, to enhance our Nation and the global community;

(2) train leaders in public service organizations to better utilize individuals committed to national service and volunteerism as they manage human and fiscal resources;

(3) identify and offer solutions to the barriers that make it difficult for some individuals in the United States to volunteer or perform national service; and

(4) build on the foundation of service and volunteer opportunities that are currently available.

(b) SPECIFIC TOPICS.—In carrying out its general purpose under subsection (a), the Commission shall address and analyze the following specific topics:

(1) The level of understanding about the current Federal, State, and local volunteer programs and opportunities for service among individuals in the United States.

(2) The issues that deter volunteerism and national service, particularly among young people, and how the identified issues can be overcome.

(3) Whether there is an appropriate role for Federal, State, and local governments in overcoming the issues that deter volunteerism and national service and, if appropriate, how to expand the relationships and partnerships between different levels of government in promoting volunteerism and national service.

(4) Whether existing databases are effective in matching community needs to would-be volunteers and service providers.

(5) The effect on the Nation, on those who serve, and on the families of those who serve, if all individuals in the United States were expected to perform national service or were required to perform a certain amount of national service.

(6) Whether a workable, fair, and reasonable mandatory service requirement for all able young people could be developed, and how such a requirement could be implemented in a manner that would strengthen the social fabric of the Nation and overcome civic challenges by bringing together people from diverse economic, ethnic, and educational backgrounds.

(7) The need for a public service academy, a 4-year institution that offers a federally funded undergraduate education with a focus on training future public sector leaders.

(8) The means to develop awareness of national service and volunteer opportunities at a young age by creating, expanding, and promoting service options for primary and secondary school students and by raising awareness of existing incentives.

(9) The effectiveness of establishing a training program on college campuses to recruit and educate college students for national service.

(10) The effect on United States diplomacy and foreign policy interests of expanding service opportunities abroad, such as the Peace Corps, and the degree of need and capacity abroad for an expansion.

(11) The constraints that service providers, nonprofit organizations, and State and local agencies face in utilizing federally funded volunteer programs, and how these constraints can be overcome.

(12) Whether current Federal volunteer programs are suited to address the special

skills and needs of senior volunteers, and if not, how these programs can be improved such that the Federal Government can effectively promote service among the ''baby boomer'' generation.

(c) METHODOLOGY.—

(1) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(2) REGULAR AND FREQUENT CONSULTATION.—The Commission shall regularly and frequently consult with an advisory panel of Members of Congress appointed for such purpose by the Speaker of the House of Representatives and the majority leader of the Senate.

SEC. 6105. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 8 members appointed as follows:

(A) 2 members appointed by the Speaker of the House of Representatives.

(B) 2 members appointed by the minority leader of the House of Representatives.

(C) 2 members appointed by the majority leader of the Senate.

(D) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—The members of the Commission shall consist of individuals who are of recognized standing and distinction in the areas of international public service, national public service, service-learning, local service, business, or academia.

(3) DEADLINE FOR APPOINTMENT.—The members of the Commission shall be appointed not later than 90 days after the date of the enactment of this title.

(4) CHAIRPERSON.—The Chairperson of the Commission shall be designated by the Speaker of the House of Representatives at the time of the appointment.

(b) TERMS.—

(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall not affect the power of the remaining members to execute the duties of the Commission but any such vacancy shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—

(1) RATES OF PAY; TRAVEL EXPENSES.—Each member shall serve without pay, except that each member 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.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), any member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits because of service on the Commission.

(d) MEETING REQUIREMENTS.—

(1) FREQUENCY.—

(A) QUARTERLY MEETINGS.—The Commission shall meet at least quarterly.

(B) ADDITIONAL MEETINGS.—In addition to quarterly meetings, the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(3) MEETING BY TELEPHONE OR OTHER APPROPRIATE TECHNOLOGY.—Members of the Commission are permitted to meet using telephones or other suitable telecommunications technologies provided that all members of the Commission can fully communicate with all other members simultaneously.

SEC. 6106. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have a Director who shall be appointed by the Chairperson with the approval of the Commission.

(2) CREDENTIALS.—The Director shall have credentials related to international public service, national public service, service-learning, or local service.

(3) SALARY.—The Director shall be paid at a rate determined by the Chairperson with the approval of the Commission, except that the rate may not exceed the rate of basic pay for GS–15 of the General Schedule.

(b) STAFF.—With the approval of the Chairperson, the Director may appoint and fix the pay of additional qualified personnel as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS–15 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, Chairperson, or Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 6107. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold public hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—Upon request of the Chairperson, the head of any department or agency shall furnish information to the Commission that the Commission deems necessary to enable it to carry out this title.

(d) PHYSICAL FACILITIES AND EQUIPMENT.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable facilities and equipment for the operation of the Commission on a nonreimbursable basis.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request in order for the Commission to carry out its responsibilities under this title.

SEC. 6108. REPORTS.

(a) INTERIM REPORT.—The Commission shall submit an interim report on its activities to Congress not later than 20 months after the date of the enactment of this title.

(b) FINAL REPORT.—

(1) DEADLINE.—The Commission shall submit a final report on its activities to Congress not later than 120 days after the submission of the interim report under subsection (a).

(2) CONTENTS.—The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for proposed legislation.

SEC. 6109. TERMINATION.

The Commission shall terminate not later than 30 days after submitting its final report under section 6108(b)(1).

TITLE VII—SENSE OF CONGRESS

SEC. 7101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate the recruiting and assignment procedures of their various programs to allow senior citizens and their grandchildren to share volunteer opportunities and/or be assigned to the same geographic areas during their period of service.

TITLE VIII—SENSE OF CONGRESS

SEC. 8101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate with the National Endowment for the Humanities to provide opportunities for young people enrolled in NACS programs to collect oral histories form senior citizens in the communities where they serve.

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

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the first reauthorization of the national and community service laws and program since 1993.

The legislation we are considering today includes all of the amendments approved last week by voice vote. It also includes the provision on background checks from the Republican motion to recommit. This bill is a bipartisan product.

Through volunteer and community service programs, tens of millions of Americans of different generations have become inspired to build stronger, more vibrant communities to help children succeed in school and rebuild cities in times of disaster.

In 2006, more than 61 million Americans gave back to their communities through service. The GIVE Act recognizes this growing service movement that is taking place across the Nation. It builds upon the successful work being done by members of AmeriCorps, of Vista, of Senior Corps, and Learn and Serve America.

The GIVE Act would put us on a path to increasing the number of AmeriCorps members from 75,000 to 100,000 by 2012, with a focus on engaging low-income, disadvantaged, and at-risk young people.

The GIVE Act would also help AmeriCorps members pay for college by increasing the scholarship they earn in exchange for their service from $4,725 to $5,255 by 2012.

This bill would introduce young people to community service by creating a new Summer of Service initiative that will offer middle school and high school students the opportunity to spend a summer working to improve the communities while earning $500 toward college or college preparation.

Alumni of service programs remain a valuable resource to our communities. After Hurricane Katrina devastated the gulf coast communities, AmeriCorps alumni played a key role in relief, recovery, and rebuilding efforts on the gulf coast.

To help tap into these resources in times of emergency, this bill would create an Alumni Reserve Corps to service alumni with previous disaster relief experience.

Each year, nearly a half a million older Americans participate in the Senior Corps programs, mentoring children of prisoners, providing independent living services to seniors, assisting victims of natural disaster, and mobilizing other volunteers.

The GIVE Act would expand the purpose of the Senior Corps programs by adding an emphasis on recruiting retired science, technology, health care, law enforcement, and military professionals to help with education, afterschool, public safety, and technology needs.

I want to thank the many Members on both sides of the aisle who have worked on this bill, in particular, Representative MCCARTHY on our side of the aisle, Representative MCKEON and Mr. PLATTS on the other side, who is handling the bill today for their leadership, as well as the Service Caucus for its support.

Let me also thank the Voices of Service and its member organizations which have been invaluable in helping us develop this legislation.

Service and volunteerism have played an important role in our Nation's history and will continue to help us meet the challenges and the needs of our communities. This legislation reflects the important role and builds upon it.

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

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

Mr. Speaker, I rise in support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the GIVE Act, which will strengthen our Nation's national and community service programs. As you know, we debated this legislation for hours last week and adopted some very positive amendments. I'm pleased that the majority has included these amendments in the bill, as well as the Republican motion to recommit, which will ensure that adequate criminal history checks will be performed on anyone seeking a federally funded national service position, and that individuals who are registered sex offenders or convicted murderers will not be selected for such positions.

While it was my hope that the duplicative Energy Conservation Corps is struck from the bill during the conference because the bill already addresses that through other sections of this legislation, I'm proud to be part of this effort to provide more flexibility for existing community service programs to ensure that the most innovative and effective grantees continue to receive funding and to increase the accountability within the corporation.

Programs such as Foster Grandparents and Learn and Serve truly impact the lives of America's most needy. AmeriCorps and NCCC participants engage often disadvantaged youth and provide them with a sense of pride and civic responsibility. These programs are truly win/win and provide a tremendous return on the Federal investment.

Again, I want to thank Chairman MILLER, Ranking Member MCKEON, and Chairwoman MCCARTHY for working with me, and for all the staff who have made this effort a success.

I urge a ''yes'' vote and hope that my colleagues will support these commonsense reforms to our national service programs and to support the GIVE Act.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a major champion of this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my chairman, GEORGE MILLER, for the great work that he has done.

This is a great day for national service. It's been 15 years since we have reauthorized our national service laws.

As chairwoman of the Healthy Families and Communities Subcommittee, I am pleased to speak in support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the GIVE Act. Unfortunately, this legislation hit a procedural hurdle last week, but I am glad the House will today have a chance once again to pass this important piece of legislation.

The bill before us today incorporates the amendments that were accepted on the floor last week, including my manager's amendment, and amendments offered by Representative MCKEON, MATSUI and SHAYS, INSLEE, SARBANES, MCDERMOTT, three amendments from Representative ENGLISH and two amendments from Representative SUTTON. It also includes the language from the Republican motion to recommit.

The administration and the service community support the GIVE Act.

I would like to thank Chairman MILLER again for his continued support and work on this reauthorization. I would also like to extend my thanks to the ranking member of our committee, Mr. MCKEON, for his hard work. And finally, I would like to thank the ranking member of my subcommittee, Mr. PLATTS, for his work on the reauthorization.

I would also like to thank again the staff on both sides of the aisle for their work on this important piece of legislation.

National service has a distinguished and strong history in our Nation. The benefits of service cannot be duplicated. Evidence shows that service and volunteering lowers school dropouts and crime rates, lowers costs associated with the aging population, and improves the health among the elderly.

Volunteering is a cost effective way of working to solve the challenges facing our Nation. That is why the passage of the GIVE Act is necessary.

One of the most effective volunteer organizations in this Nation is AmeriCorps. AmeriCorps volunteers offer a range of services focused on low-income and disadvantaged communities. Our legislation recognizes their invaluable work and increases the number of participants to 100,000.

The GIVE Act also encourages programs to recruit underrepresented populations to serve, including scientists and engineers, young people in and/or aging out of foster care, children at risk for delinquency, and other disadvantaged young people. I truly believe that expanding national service, particularly to disadvantaged youth, is an effective way to combat things like gangs and violence, and the evidence bears that out.

If we are serious about reducing gang violence in this Nation, we must take the first step and offer our children an alternative. This legislation creates the Summer of Service program which gives middle school and high school students an opportunity to become engaged in a positive way within their community. Through the Summer of Service program, our Nation's young people will have a chance to serve with others of their own age while improving their community.

Research shows that if students are engaged in service at an early age, they will continue to serve throughout their lifetime.

We are strengthening the mission of the first responder volunteer program, the National Civilian Community Corps, by requiring more intense disaster and emergency relief training during down periods in order to be better prepared for the future.

□ 1530

We are all aware of what our Nation faced in the wake of Hurricane Katrina, and the NCCC was there to respond and continues to recover today.

The GIVE Act will help our Nation become better prepared for future disasters by training and preparing more emergency volunteers. The GIVE Act creates cooperation and an Office of Outreach in recruitment. This new office, among other duties, will establish a reserve corps made of those who have gone through the program and are alumni. The reserve corps alumni will be called upon during emergencies and disasters or other times of national needs.

We heard people asking over and over again during our hearings why aren't we using our former members. The new outreach office will work to connect the over-500,000 former volunteers who can be a resource for the recruitment. The GIVE Act lowers the age of participation in the national senior service to 55 years of age. By lowering the age, we are encouraging retiring Americans to participate in national service and giving older Americans the opportunity to lead us into the future.

Our Nation's retiring and retired adults are a rich resource that no one

can duplicate, nor should they be overlooked. Every American, old and young, has skills that can improve the day-to-day functions of our society. The GIVE Act encourages individuals to get involved, creates a deeper commitment to service, and makes our Nation more like what it should be.

I, again, want to thank Chairman MILLER for his deep commitment to national service and Ranking Member MCKEON and Congressman PLATTS for their work with us on this bipartisan activity. I do urge all of my colleagues to support this much-needed legislation.

Mr. PLATTS. Mr. Speaker, I yield the distinguished gentleman from Arizona (Mr. FLAKE) as much time as he may consume.

Mr. FLAKE. Mr. Speaker, I stand in opposition to the GIVE Act. I think that it has as its premise that we won't have volunteerism in America unless we pay for it somehow or unless this body comes up with it. The volunteerism represented by AmeriCorps and the other programs here represent, I would venture, about one hundredth of 1 percent of all of the voluntary activity that goes on out there. But here we act as if it won't happen unless we create it and pay for it.

Paid volunteerism is not a very good principle, in my view. We have to remember we are running a deficit. Our Federal Government is running a deficit. So any money we pay here, any increase in any programs, any new authorization, which I think over the 5-year reauthorization is about $4.1 billion more than we were paying before, that's money that has to be borrowed from the Treasury and, in effect, borrowed from our kids.

And I think it's prudent to ask what this is going to be used for. I think that most people would be surprised to learn that this legislation would expand and reauthorize programs that the Office of Management and Budget has rated as inefficient and ineffective. For example, the Learn and Serve Program was rated as not performing and results not demonstrated by the OMB. The AmeriCorps National Civilian Community Corps was rated as not performing and ineffective.

It's bad enough that we are continuing funding, but under the Learn and Serve Program, that was rated again by the OMB as not performing and results not demonstrated, we are actually creating a new program within that and funding it with 20 million more dollars. That simply is not a prudent use of taxpayer dollars.

We have to remember we are taking money from people who are working and giving it to others who are supposedly volunteering to work. When you are providing a financial incentive, be it defrayment of tuition costs or anything else, you are paying people to volunteer.

I would urge my colleagues to reject this legislation and return to fiscal sanity and a little more fiscal discipline in this House.

Mr. PLATTS. Mr. Speaker, I continue to reserve my time.

Mr. GEORGE MILLER of California. I yield myself 30 seconds.

Mr. Speaker, I would just say in the two programs the gentleman from Arizona raised, it's exactly why we have the reauthorization so we can go back through those programs and, in fact, as a result of those reviews, the administration has insisted upon substantial changes in those programs which have been carried out and that is why the administration now supports this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES), a member of the committee.

Mr. SARBANES. Mr. Speaker, I want to commend Chairman MILLER, Chairwoman MCCARTHY, and others for putting together the GIVE Act, which reauthorizes the National Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973. This act supports the Nation's priorities in a number of important areas.

Mr. Speaker, Americans are hungry to serve. Last year, 62 million Americans contributed 8.2 billion hours of volunteer service. And the question is, are we ready to absorb that energy? Do we have a way of capturing it and channeling it?

What the GIVE Act does is it creates that infrastructure; and that's why we need it, because if we don't have an infrastructure to respond to that volunteer energy, then people will go away even more disillusioned. So the GIVE Act steps up and does exactly the right thing.

And here are some of the things that it does: it sets a goal of 100,000 AmeriCorps volunteers by 2012 putting 25,000 additional volunteers into our communities; it engages youth through a summer of service; and it creates a new energy conservation corps. That corps will focus our service corps apparatus on some of the Nation's most pressing problems: energy efficiency and conservation training for green jobs and rehabilitation of our Nation's critical infrastructure. It will enlist both seniors and young people in that enterprise.

The act will also do right by our veterans. I was pleased to work with Mr. MILLER and Mrs. MCCARTHY to include language in this bill that would require the Corporation for National and Community Service to initiate a national conversation by commissioning a study to develop and test a service corps program that both targets veterans as recipients of community service and utilizes their service as participants and volunteers. This national conversation would provide a framework for better targeting the needs of veterans in the community.

Mr. Speaker, I commend the committee on its work on these important issues. It is said that the pulse and time of a Nation are best reflected in its service to others. The GIVE Act launches a new era of service and, in so doing, will showcase the best of what America has to offer.

Mr. PLATTS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Speaker, I rise today in support of H.R. 5563 and to thank Chairman MILLER and Chairwoman MCCARTHY for their efforts, including a motion to recommit that I offered to H.R. 2857, the Generations Invigorating Volunteerism and Education Act.

Last week on March 6, I offered the motion to recommit to strengthen H.R. 2857 and the national service laws. Recently, the corporation for national community service completed a rulemaking process to institute background checks for any individual seeking Federal-funded national service positions within the Senior Companion and Foster Grandparents program and within AmeriCorps programs in which individuals have recurring access to children, the elderly or, individuals with disabilities. That rule-making process also prohibited individuals from serving in those positions if they were and are registered sex offenders.

While the motion to recommit will codify the corporation's regulations, it will also expand on the corporation's effort by requiring criminal history checks for any individual seeking a federally funded national service position and not just those within the foster grandparents and senior companion programs or just those AmeriCorps programs dealing with specific populations.

Further, in addition to prohibiting registered sex offenders from serving in federally funded national service positions, the motion to recommit includes those individuals convicted of murder as well.

Again, I applaud Chairman MILLER and appreciate his courtesies last week on the floor and Chairwoman MCCARTHY for including the motion to recommit which expresses a loud and clear message, that this House of Representatives believes that those in need who are served by programs supported with assistance under these laws should be assured that they will not be placed in harm's way when approaching these programs for help.

Although I am pleased that the motion to recommit was included in the bill, I'm disappointed that the House majority has chosen not to take up the FISA amendments. The FISA amendments, which we've been hearing about all day, act to provide our intelligence community with the critical tools it needs to conduct surveillance on foreign terrorists without getting tied up in court.

The Senate, as we all know, passed this bipartisan legislation almost a month ago. So I urge the majority to bring this crucial bill up for a vote; and, again, I urge my colleagues to support this bill today before this House.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the

gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman, and I rise in support of this legislation. I'm pleased to have been a co-sponsor of this bill, because the service programs and the new initiatives will help to address some of our Nation's toughest problems about poverty to natural disasters and will help improve the lives of millions of our most valuable citizens. The bill will increase the number of AmeriCorps volunteers by a third and will significantly increase the stipends for those volunteers.

I particularly want to highlight a section that I am proud of. It is a section that will create opportunities for professionals in the sciences and technical fields to keep America competitive. It engages scientists and engineers in volunteerism and encourages their efforts to address unmet education and human needs. It will use scientists, technicians, engineers and mathematicians, for example, to close the digital divide that creates such a chasm between low-income communities and the more privileged communities.

The bill also creates a national civilian conservation corps that, as a residential program, will be deployed in times of national need, such as emergencies and disasters. When not deployed in such circumstance, they will build infrastructure, protect the environment, conserve our resources, and help with urban and rural development.

Mr. Speaker, this is outstanding legislation. We really should commend Mrs. MCCARTHY as well as Chairman MILLER, Mr. MCKEON, and Mr. PLATTS for their work on this legislation.

I urge passage.

Mr. PLATTS. Mr. Speaker, I yield to the distinguished gentleman from Illinois (Mr. MANZULLO) as much time as he may consume.

Mr. MANZULLO. Mr. Speaker, I am really just distressed over the manner in which this bill has come to the floor. When the Republicans were in the majority, any bill that was in excess of $100 million had to go through the regular process, was subject to amendments on the floor, et cetera; and now we are bringing on the Suspension Calendar, which is for naming post offices and minor things like that, a bill that would spend $6.2 billion over the next 5 years.

According to the Congressional Budget Office, the estimated current outlay in fiscal year 2008 for existing Federal community service and volunteer programs is already $607 million a year. Spending under this bill would go up $884 million in fiscal year 2008, $942 million in 2009, $1.058 billion in fiscal year 2010, $1.154 billion in fiscal year 2011, and $1.235 billion in fiscal year 2012 for a total new spending for volunteers of $4.1 billion over 5 years.

That's outrageous to pay for volunteer programs to have the bill not subject to any amendment on the floor such as an amendment to pare down the size of the spending.

And I think in a time when we have a fiscal crisis on our hands, where the stock market is tanking and people are losing their homes and people are not sure of having a job, for this Congress to come in and use this extraordinary procedure to waive all the rules, including a way to amend the bill and spend an additional $4.1 billion over 5 years, that really cracks the back of fiscal responsibility.

□ 1545

The majority has shown unequivocally here that it is not the party of fiscal responsibility, and I would therefore encourage my colleagues to vote ''no'' on this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, it is a little hard to sit here and be lectured to by somebody from the other party that ran up an $8 trillion deficit in a matter of 8 years, about $1 trillion a year they succeeded in running up the deficit. But more importantly, I don't know if the gentleman from Illinois was absent last week or he doesn't remember, I don't know which, but we were here last Thursday considering this bill under the rules of the House, under essentially an open rule where every Republican amendment and every Democratic amendment that was requested, I believe, was offered.

The new programs were subjected to a vote of the House because we thought that was fair. They prevailed. We finished the business of this bill last week, and then people decided they wanted to play some games on the motions to recommit, and so that forced us to bring the bill up again this week.

We cannot go back to committee; that would be even more expensive, more time-consuming, and bring back the bill, so we have chosen to do it under suspension. But that's after all of the amendments have been given full consideration. That's why the administration supported the legislation. That's why it has bipartisan support, because it was bipartisan in the committee. I think it was 44–0 that it came out of the committee. It was bipartisan in the Rules Committee. It was bipartisan on the floor until the gentleman's party decided at the last minute that they wanted to try to somehow incorporate the FISA discussion into national service. That was out of order. That was not allowed.

And then Mr. KUHL decided to offer an amendment, which we asked unanimous consent to accept at that time and we were not allowed to accept it. So, we're back here today. And we're trying to do it in the most expeditious fashion because it costs something to run the House. We shouldn't be back here today. But that's the history, in case the gentleman was absent last week.

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

Mr. PLATTS. Mr. Speaker, I would just, again, urge a ''yes'' vote in support of the GIVE Act.

I yield back the balance of my time.

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

I just want to, before we close debate, thank Mr. PLATTS and Mrs. MCCARTHY for all of their hard work. They were really the engines behind this legislation and getting it through the subcommittees and the committees for our consideration here on the floor. I want to thank them very much for that effort.

A couple of speakers suggested that somehow Americans volunteer, so we don't need this act. The fact of the matter is this act builds much more than just volunteers. I volunteer for the Habitat for Humanity. I volunteer in the schools in my district. I volunteer in Coastal Cleanup. I volunteer in community Weed and Seed programs. I volunteer in a lot of efforts. This is also about taking people who would never think of volunteering, young people who come from neighborhoods where that's not an opportunity that they may have necessarily. And it not only gets them into volunteering, but also builds skills. What people really like to have volunteer are people with skills come and volunteer.

It also builds leadership skills, so that those young people can either incorporate their skills in additional volunteering or organize other people to volunteer as they leave these programs. Many of these young people graduate and go into public service. In California, we will find people who will go from one of these programs to the California Conservation Corps to maybe the national parks program, where they end up working and rebuilding the infrastructure of our national parks or public lands or coastal areas of these States.

And when you ask the young people, when you run across them, where did they get their start, they got their start in AmeriCorps or the VISTA program or something like that. They end up maybe later, after they go to school, they come back and they work in the community. That's why one of the things that this legislation does is try to reach out to the alumni of this program, because we now realize how valuable they are to our communities and we want them to continue to participate and continue to organize people who have been the beneficiaries of this program and those who have participated in it as leaders and as participants so that we can build that core.

It's very interesting now, there's a number of people discussing the national defense level of this country, that one of the things we failed to do after 9/11 was build in a resiliency of this country in the event of other another attack. Tragically, after 9/11 the President told the country they didn't have to do anything, if they would just go shopping.

But now what we see is we still don't have the basic infrastructure in our communities to deal with natural disasters, to deal with possible terrorist attacks, to deal with regional-wide problems, whether they be fires, earthquakes, terrorist attacks, or any of that. In fact, what we need is we need volunteers and people with volunteer experience, people with organizing volunteers to start to come together to think about how a community would respond, whether it's a chemical spill, whether it's a chemical plant explosion, whether it's an earthquake or a fire, to respond to help those people, to help those first responders. We've never organized that. But we would like to start thinking about organizing that, and I'm sure when we do, we will be calling upon the professionals that were in VISTA, that were in AmeriCorps, that were in the Senior Corps, that have connections through their business connections, through their community involvement.

So, this program pays many dividends way beyond the idea that this is just about volunteering on a Saturday morning or a Sunday morning with your church. We all do that. But there has to be more. And there has to be avenues for people who aren't encouraged to volunteer, that we can provide that encouragement and we can encourage people to participate with populations that need that kind of assistance. That's the importance of this legislation.

It's unfortunate it has taken so long for us to reauthorize this bill. But what we know is Americans all across this country in every region of this country want to see a greater sense of people giving back to their communities, people volunteering in their communities, organizing people to volunteer, to provide services to their communities. That's what this legislation responds to.

It's been incredibly successful, when you meet the graduates of these programs, when you meet the alumni of these programs. They don't stop there. It becomes part of the ethic of their life. And they continue it in their business, in their professions. They continue that kind of activity because they see the value of it, they've participated in it. And I would hope that my colleagues would give this legislation overwhelming bipartisan support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5563, the ''Generations Invigorating Volunteerism and Education Act' or the 'GIVE Act'.'' I would like to thank my colleague, Congresswoman MCCARTHY, for introducing this important legislation, as well as the Chairman of the Committee on Education and Labor, Congressman GEORGE MILLER, for his leadership in bringing the bill to the floor today.

Mr. Speaker, this legislation came to the floor last week as H.R. 2857. It was a good bill then but now it is an even better piece of legislation.

The ten amendments that were incorporated into the current bill before this chamber provide:

(1) greater integration of funding, (2) strengthens the Retired Senior Volunteer Program (RSVP), and (3) more support for our military families and veterans.

This legislation will make vital strides toward expanding and improving key community service programs, including AmeriCorps, VISTA, Senior Corps, and Learn and Serve America. The GIVE Act works to ensure that volunteers, and the organizations that support them, will receive the resources that they need to continue their vital work in our communities.

Today's legislation embodies the altruistic spirit that has made our nation great. Great numbers of Americans donate their time and their unique skills and gifts to our cities and communities, without any expectation of compensation or material reward. According to a 2005 study, 29 percent of the American public, or about 65.4 million people, had volunteered in the past year.

This legislation engages our youth and fosters a sense of civic duty. Which is why I was so pleased to see Section 1202 of this legislation, which gives special consideration to Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities. I want to thank Representative MCCARTHY and Representative MILLER for allowing me to add to this great bill. By adding predominately minority community colleges to the list of those to receive special consideration, we help so many more students who have a commitment to service.

Our community colleges are growing as many of our returning veterans, single parents, and senior desire to make a change in their live circumstances and simply cannot afford traditional higher education. A sense of civic engagement is not fostered only among students at Harvard and Berkeley; it is also found among students at community colleges like Houston Community College and North Harris College. I thank the Chairman for recognizing this needed addition and incorporating it into the Manager's Amendment.

The GIVE Act would:

(1) increase the number of AmeriCorps volunteers from 75,000 to 100,000 by 2012; (2) increase stipends for AmeriCorps volunteers from $4,725 to $5,225 by 2012; and (3) promote recruitment of disadvantaged youth, baby-boomers, and veterans into national and community service opportunities; (4) create an AmeriCorps Alumni Reserves Network aimed at tapping into the skills and experience of alumni volunteers, with a particular focus on assisting during emergencies or natural disasters; and (5) constructs an Energy Conservation Corps, which will address our nation's energy and transportation infrastructure needs while providing work and service opportunities.

I am disappointed that our colleagues on the other side of the aisle have chosen to be obstructionists to legislation that engages our youth, strengthens disaster and emergency preparedness, and invests in our volunteer and service organizations with appropriate funding. This Bipartisan effort needs to be supported.

I am proud to cosponsor legislation that will add service before self to our leaders of tomorrow. I urge my colleagues to join me in supporting this legislation.

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

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 5563.

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. GEORGE MILLER of California. 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. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and to insert extraneous materials in the RECORD on H.R. 5563 and on S. 2733.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

HIGHER EDUCATION EXTENSION ACT OF 2008

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2733) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2733

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 ''Higher Education Extension Act of 2008''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''March 31, 2008'' and inserting ''April 30, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and

the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I rise in support of H.R. 2733, a bill to temporarily extend the programs under the Higher Education Act of 1965.

Last month, we took the next step toward reauthorizing the Higher Education Act by passing H.R. 4137, the College Opportunity and Affordability Act, in the House with overwhelming bipartisan support. That bill builds on the law Congress enacted last year that put $20 billion in Federal student aid in the hands of those in most need, low- and middle-income students and families working hard to pay for the cost of college.

Now, as we work with the Senate towards the conference report to reauthorize the Higher Education Act, we are close to providing students and families with additional reforms needed to truly ensure that the doors of college remain open to all qualified students.

It is our goal to ensure that the final bill include vital provisions of H.R. 4137 that address the major obstacle families face in the path to college, from skyrocketing college tuition prices, to the needlessly complicated student aid application process, to predatory tactics by student lenders.

It has been nearly 10 years since the Higher Education Act last reauthorized, and I believe that Members on both sides of the aisle and in both Chambers are eager to complete the work on a compromise bill this Congress.

This bipartisan reauthorization presents the best opportunity that we had to bring our higher education system into the 21st century.

The bill under consideration today, S. 2733, will extend the programs under the current Higher Education Act until April 30, 2008, to allow sufficient time for further deliberations to continue on the two bills passed in the House and Senate. And while that process of reauthorizing the Higher Education Act may be coming to a close, I would like to underscore that it does not mean that we will complete work on higher education altogether. The Education and Labor Committee will continue our efforts to ensure our higher education programs operate in the best interests of students and families, which include overseeing the proper implementation of the College Cost Reduction and Access Act and other provisions of the Higher Education Act. We will also examine how we can best ensure the availability of Federal student loans in the midst of volatility in our Nation's credit markets.

I look forward to completing this work with the respective Members so that we can continue to make college more affordable and accessible for our Nation's students and families.

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

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

Mr. Speaker, I rise in support of S. 2733, the Higher Education Extension Act of 2008.

While this is the first extension of the Higher Education Act for this year, we have passed over a dozen extensions of this law since it first expired.

S. 2733 will ensure that vital Federal college access and student aid programs continue to serve those students who depend upon them for an additional month. Earlier this year, the House passed H.R. 4137, the College Opportunity and Affordability Act of 2008, by a vote of 354–58. Unlike last year when the Senate failed to act when the House passed its bill, the Senate passed their Higher Education Act reauthorization bill as well. We are now the closest we have been in recent years to passing a reauthorization bill.

I stand in support of this extension of the Higher Education Act through April 30 of this year because I hope that we can move forward in developing a conference agreement in a bipartisan and thoughtful manner. If it takes 1 more month or 2 more months, I think others would agree that we would rather see a thoughtful product rather than something that was rushed through the process to meet an artificial deadline.

I join with my colleagues in fully supporting efforts to extend the Higher Education Act today and hope that we can work together to develop a conference agreement that will fundamentally reform the programs included in the Higher Education Act.

I urge my colleagues to vote ''yes'' in support of this extension.

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

Mr. GEORGE MILLER of California. I join Mr. PLATTS in urging a ''yes'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the Senate bill, S. 2733.

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. PLATTS. 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.

MOTION TO ADJOURN

Mr. PLATTS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. PLATTS. 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.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on motions to suspend the rules with respect to House Resolution 924 and House Resolution 948.

The vote was taken by electronic device, and there were—yeas 4, nays 396, not voting 28, as follows:

[Roll No. 114]

YEAS—4

Gohmert
Johnson (IL)
Westmoreland
Young (AK)

NAYS—396

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
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
Cubin
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
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)

Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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 (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
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—28

Berman
Blackburn
Blumenauer
Blunt
Boehner
Capito
Capuano
Davis (IL)
Davis, Lincoln
Frank (MA)
Gingrey
Hooley
Kilpatrick
McNerney
Mitchell
Oberstar
Pence
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Scott (GA)
Souder
Tancredo
Thompson (MS)
Udall (CO)
Woolsey

□ 1623

Messrs. VAN HOLLEN, GUTIERREZ, MCDERMOTT, ELLISON, LARSON of Connecticut and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONGRATULATING IOWA STATE UNIVERSITY FOR 150 YEARS OF LEADERSHIP AND SERVICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 924, 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 gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 924, 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 23, as follows:

[Roll No. 115]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
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
Cubin
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
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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 (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
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Blackburn
Capito
Davis (IL)
Davis, Lincoln
Frank (MA)
Hall (NY)
Hill
Hooley
Kilpatrick
Mitchell
Oberstar
Paul
Pence
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Scott (GA)
Souder
Tancredo
Thompson (MS)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1635

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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10. 2008.

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Daniel White, Executive Director, Illinois State Board of Elections, indicating that, according to the unofficial returns of the Special Election held March 8, 2008, the Honorable Bill Foster was elected Representative to Congress for the Fourteenth Congressional District, State of Illinois.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF ILLINOIS,
STATE BOARD OF ELECTIONS,
Springfield, IL, March 10, 2008.

Hon. LORRAINE C. MILLER,
Office of the Clerk, House of Representatives, Washington, DC.

DEAR MS. MILLER: Although it is not the normal practice of the Illinois State Board of Elections to release unofficial election results, in response to your February 21, 2008 request, we are hereby transmitting UNOFFICIAL election results for the March 8, 2008 Special General Election in the Fourteenth Congressional Election in the State of Illinois.

Sincerely,

DANIEL W. WHITE,
Executive Director.

Enclosure.

UNOFFICIAL RESULTS, MARCH 8, 2008, SPECIAL GENERAL ELECTION: REPRESENTATIVE IN CONGRESS, FOURTEENTH CONGRESSIONAL DISTRICT

[For an unexpired term]

Jurisdiction	Democratic Bill Foster	Republican Jim Oberweis	Unreturned Absentees	Provisionals
Bureau	45	51	2	0
DeKalb	5,937	4,640	146	0
DuPage	3,294	3,216	91	14
Henry	1,046	1,678	31	0
Kane	25,661	24,365	495	58
Kendall	6,396	6,305	88	3
Lee	1,959	2,449	80	0
Whiteside	519	425	10	0
Aurora Board	7,153	3,859	218	12
Totals	52,010	46,988	**1,161	87

**As of March 8, 2008.

SWEARING IN OF THE HONORABLE BILL FOSTER, OF ILLINOIS, AS A MEMBER OF THE HOUSE

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that the gentleman from Illinois, the Honorable BILL FOSTER, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Illinois delegation present themselves in the well.

Mr. Foster appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE BILL FOSTER TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Illinois (Mr. COSTELLO) is recognized for 1 minute.

There was no objection.

Mr. COSTELLO. Madam Speaker, on behalf of the Illinois delegation, I am pleased to introduce the newest member of our delegation in the House, Congressman BILL FOSTER, from the 14th District of Illinois. BILL resides in Geneva, Illinois, and has lived in the Fox Valley for almost 25 years.

BILL has a diverse background in both business and science. He started a very successful theater lighting business with his younger brother when he was only 19 years old, and he went on to receive his Ph.D. in physics from Harvard. BILL worked at Fermilab for 22 years, where he designed research projects and built the latest round of the particle accelerators.

BILL comes from a family with a strong history of working for the public good, and we look forward to working with him on behalf of his constituents and the Nation.

Madam Speaker and Members of the House, please welcome our newest colleague, Congressman BILL FOSTER from the 14th District of Illinois.

Mr. FOSTER. Thank you, Madam Speaker. It is an honor to stand here in the well of this body as the Representative of the Illinois 14th District. My predecessor in this role is a friend to many here and led this House and represented the people of my district honorably for over 20 years. I know that my colleagues will join me in once again thanking Speaker Dennis Hastert for his service.

Madam Speaker, fellow Members of Congress, I am a scientist, not a politician. When it comes to the issues that we face in this Nation, I plan on approaching them as a scientist, and that means examining the facts, listening to both sides, and doing what is right for the people of Illinois and America.

During my campaign, many people told me that Congress should be acting differently. At a time of crisis around the world and economic trouble at home, Americans want us to end the divisions between us and work together to solve the problems we face. I believe that there are huge opportunities to change this country for the better if we can make the right decisions, and real risks if we keep squabbling and making the wrong ones.

And now, as you can probably already tell, we scientists aren't known for our fiery rhetoric. But as I stand before you today, it is my solemn hope that with less bickering and word twisting in Washington, that there will be more problem solving. We need to work together for energy independence, for tax cuts for middle-class families, to expand health care for more children, for a return to fiscal discipline, and, as importantly as anything, for a new direction in Iraq.

Together we can fulfill our pledge to the next generation to leave Washington and this Nation better on the day that we leave it than it was on the day that we came into it.

I look forward to meeting my new colleagues, Democrats and Republicans, and to getting right to work on behalf of the families we represent.

Thank you to my colleagues in the Illinois delegation, and thank you, Madam Speaker. This is truly an honor.

Mr. COSTELLO. Madam Speaker, I yield to our colleague from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, as the dean of the Illinois Republican delegation, I want to take this opportunity to extend to our newest colleague from Illinois, with whom I share two counties, welcome to the big city. I look forward to working with you. I have always wanted a scientific mind, and maybe I can learn from yours. Thank you and welcome to Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Illinois, the whole number of the House is 430.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE OF REPRESENTATIVES

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, ''There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;'';

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part ''A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;'';

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and ''the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;'';

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that ''the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled'' by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that ''electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;'';

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D-WV) and Kent Conrad (D-ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D-ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, ''The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;'';

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, ''we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;'';

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as ''indeed causing a potentially dangerous gap in the nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 has brought discredit to the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

□ 1645

The SPEAKER pro tempore. The gentleman may offer his resolution.

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution just noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, ''There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;'';

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part ''A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;'';

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and ''the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;'';

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that ''the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled'' by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that ''electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;'';

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D–WV) and Kent Conrad (D–ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D–ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, ''The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;'';

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, ''we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;'';

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as ''indeed causing a potentially dangerous gap in the nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of

2008 has brought discredit to the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore. Does the gentleman from Georgia wish to be heard on whether or not the resolution constitutes a question of the privileges of the House?

Mr. PRICE of Georgia. I do.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Mr. Speaker, we are now 25 days into a unilateral disarmament, a disarmament that doesn't make any sense to our constituents in each and every district across this Nation.

The Senate voted 68–29, 68–29.

Mr. HOYER. Mr. Speaker, the issue that the gentleman needs to address himself to is why this is a privilege of the House. I suggest that the Speaker make sure he is talking to that point.

The SPEAKER pro tempore. The gentleman from Maryland is correct. The gentleman from Georgia may only address the rule IX issue.

Mr. PRICE of Georgia. Mr. Speaker, I would draw my colleague's attention to the context in the stated ''whereas'' that on at least one occasion, if not countless others across this Nation, in the Charleston Post and Courier, it was written that the House of Representatives' Democrat leadership was described as ''indeed causing a potentially dangerous gap in the Nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''

There have been multiple articles and multiple references across this Nation as to why this House of Representatives is bringing discredit to the House and also not fulfilling its responsibility, in fact, abrogating its responsibility and its duty. An abrogation of duty by this House of Representatives brings discredit to the House, and, therefore, this is a question of privilege.

The SPEAKER pro tempore. The Chair is prepared to rule.

Under the precedents recorded in section 702 of the House Rules and Manual, the resolution addresses a legislative sentiment and not a question of the privileges of the House.

Mr. PRICE of Georgia. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 192, answered ''present'' 1, not voting 18, as follows:

[Roll No. 116]

AYES—218

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

NOES—192

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—18

Bishop (UT)	Mitchell	Ros-Lehtinen
Capito	Oberstar	Rush
Ellsworth	Pence	Souder
Hooley	Peterson (PA)	Tancredo
Kilpatrick	Pryce (OH)	Thompson (MS)
Miller, George	Rangel	Woolsey

□ 1718

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008 VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections

of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of March 10, 2008, at page H1419)

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) is recognized for 1 hour.

Mr. REYES. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA). Pending that, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of overriding the President's veto. This year, for the first time in 3 years, the Congress passed an intelligence authorization act and presented it to the President. This was something that had proved impossible for a Republican-controlled House and a Republican-controlled Senate. In recent years, while the bill passed the House, it never even got to conference. When I took over as chairman of the Intelligence Committee, I made passing an authorization all the way through conference a high priority. It wasn't easy, but I thought it was crucial that we revitalize the oversight process, and I committed to getting an authorization bill not only passed through the House but sent to the President.

The intelligence community, by its very nature, presents a very difficult oversight challenge for Congress. This is why the intelligence authorization bill is so critical. It is the culmination of the committee's oversight activities conducted over the previous year. Intelligence funding is one of the few areas where the law requires funds to be both appropriated and authorized. Our constituents, of course, are demanding that we weigh in on all the important intelligence-related challenges that our Nation is facing.

This legislation goes a long way towards strengthening oversight of the intelligence community, which the President seems to consistently want to fight. That's why the President vetoed it. He wants the authority to do whatever he wants, in secret, with no oversight or authorization or without any checks and balances.

Well, Mr. Speaker, I don't agree. The Constitution gives us a role in this process. We do have a say, in the name of the United States of America, in what the intelligence community does. That's why we need to override this veto.

This legislation enhances oversight in several ways. It requires quarterly reports to Congress on the nuclear weapons programs of Iran and North Korea. We learned a lesson from the experience in Iraq. Congress must be careful and must be part of the process and a consumer of intelligence to avoid being sold a bill of goods.

The act requires the CIA inspector general to audit covert activities at least once every 3 years. Covert activities are historically where our intelligence community runs into legal and policy trouble. An independent CIA audit is one way to prevent problems that have embarrassed our Nation and have eroded our moral authority.

The authorization act also requires detailed accounting to Congress on the use of intelligence contractors. The use of contractors has grown exponentially, and no one is asking critical management questions about whether this is a good use of taxpayer money.

An important substantive provision of the legislation also requires the CIA and the rest of the intelligence community to abide by the same regulations that DOD follows in the context of interrogations. If it's not permissible for soldiers in Iraq, where they face a life-or-death threat daily, it shouldn't be permissible for a CIA officer or contractor.

Mr. Speaker, if this veto stands, all of these important oversight provisions will disappear. If we believe in strong oversight, we need to override this veto.

In addition to addressing long ignored oversight issues, the legislation is fundamentally the mechanism for authorizing funds for the intelligence community. This legislation authorizes funds for the full range of critical intelligence activities. It authorizes funds to support counterterrorism operations to keep Americans safe today, and it authorizes funds for the strategic intelligence investments to keep Americans safe in the future.

Mr. Speaker, if we fail to override this veto, the Intelligence Committee will be silent on these important authorization issues. Once more, we'll have no authorization bill.

The bill also addresses some persistent management problems in the intelligence community. It requires steps towards a multi-level security clearance system to recruit more native speakers of critical languages into our intelligence community. It takes important steps towards creating a more diverse workforce to strengthen our ability to collect intelligence all over the world.

Mr. Speaker, if we fail to override this veto, it's business as usual. No new solutions, just the same old intelligence problems.

I have visited the patriotic men and women of the intelligence community in the far corners and in the far reaches all over the globe. They deserve our support. They are brave, they are competent, and, in most cases, they are humbled to be doing the job to keep us safe. Many serve our Nation behind the scenes and at great risk, without any expectation of recognition or congratulations. For them, and for all Americans, this is important legislation.

The intelligence community came to us for money, they came to us for tools, and they came to us for new authorities. We gave them what they asked for. The President, with his veto, is denying them those very things simply because he wants no limits on his Presidential power.

So today, Mr. Speaker, I urge my colleagues to vote to override the President's veto.

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

Mr. HOEKSTRA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this bill is just the latest example of the complete and utter failure of the Democratic leadership in the House to give the intelligence community the tools that it needs to protect the American people and our allies from radical jihadists who have sworn to wage holy war against freedom in order to impose a radical religious tyranny. I urge my colleagues to oppose this override of the President's veto.

My colleagues on the other side of the aisle are finding out how tough it is to pass legislation in the intelligence area. But the lesson they need to learn, this is about national security, and national security issues need to be done on a bipartisan basis, can not be done on a purely partisan basis.

The debate on this authorization bill is not about a single issue, as some would have you believe. It is about the need to ensure that we give the right tools to our intelligence professionals in this time of enhanced threat. What we should be talking about today is improving this bill so that it can have broad bipartisan support.

But we also ought to be talking about FISA, FISA modernization. That is the vote that this House should be considering. That is the tool that our intelligence community has said that they need to keep America safe. That is the tool that, on a broad bipartisan basis, the model for how we should be doing legislation in this area. It's how they did it in the Senate, 68 Senators on a bipartisan basis saying we need to do FISA reform. We need to do it to keep America safe, to keep our homeland safe, to keep our troops safe, to keep our embassies and our personnel overseas safe, and to make sure that we also have the tools in place that so many of our allies rely on to keep them safe.

But no, once again, this House moves in a partisan basis. It's been almost 25 days now that the leadership on the other side of the aisle has refused to even bring up for a vote FISA modernization. Each and every day, our capabilities in this area erode. One of the most important and one of the most successful tools that we have used to keep America safe over the last 7 years is slowly eroding. My colleagues on the other side of the aisle will not even allow it to come up for a vote.

The United States continues to employ tough antiterrorist programs because the radical jihadist threat did not end with 9/11. One only has to listen to the statements by bin Laden, his deputy, Zawahiri, to understand the seriousness of this threat, its global implications, and the determination of radical jihadists to strike the American homeland.

But instead of doing a bipartisan, national security issue, we continue to move down the path of partisan politics. The majority leadership of this House refuses to see or hear the continuing threat from radical jihadists. Even more troubling, the majority refuses to recognize that tough antiterrorist tools employed since 2001 have protected this country from terrorist attacks.

□ 1730

Instead, some have distorted antiterrorist programs as threats to the American people rather than tools that our intelligence agencies are using to protect us from threats of radical jihadist terrorism. Instead of helping to strengthen anti-terrorist tools, my colleagues on the other side of the aisle have established a clear patent of trying to undermine and erode them, undermining and eroding the very type of people that we should be trying to help with this bill, the men and women who risk their lives each and every day in the intelligence community to keep America safe.

There is no better example than the outright refusal of the majority leadership to allow a straight up-or-down vote on bipartisan FISA modernization legislation.

Again, this is a bill that passed the Senate overwhelmingly, clearly supported by a majority of this House. There's ample reason to be concerned about this abuse of the majority's powers. I'm far more concerned at the impact that these actions are continuing to have and the capabilities of our intelligence professionals to protect our country, our people, and our allies from attack.

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

Mr. REYES. Mr. Speaker, I want to bring us back on point by yielding 3 minutes to my good friend from Missouri (Mr. SKELTON), the chairman of the Armed Service Committee.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas, the chairman of the Select Committee on Intelligence, and a very valuable senior member of our committee, the Armed Services Committee.

I rise in strong support of H.R. 2082. This bill makes us safer from terrorists and other adversaries in a number of ways: the bill makes critical investments in human intelligence, counterterrorism operations, counter-proliferation, counter-intelligence, analysis and language skills.

In addition, Chairman REYES' conference report includes a provision which requires that all interrogations conducted by intelligence agents and contractors comply with the Army Field Manual on Interrogation. Our military already has raised its standards.

Since September 2006, all interrogations which are conducted by the men and women in uniform are conducted by non-military personnel on a detainee who is otherwise in custody of the U.S. military and must provide and must abide by the Army Field Manual. The manual specifically prohibits eight interrogation techniques, including waterboarding. Waterboarding is the technique which originated during the Spanish Inquisition and makes the person who is being interrogated feel as though he is drowning.

One of the wisest of our Founding Fathers, Ben Franklin, once told us: ''Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.'' But that's where we find ourselves on this issue.

All of the very senior civilians in the administration continue to waffle on whether waterboarding continues and constitutes torture or cruel and inhumane or degrading treatment. Our military has stood up against this widely condemned practice. Our military understands the impact of the Golden Rule: do unto others as you would have them do unto you.

Our military also appreciates that approved interrogation techniques that are not cruel and inhumane or degrading have provided valuable intelligence which has helped captured terrorist kingpins and foiled terrorist attacks against our country as well as our allies. The sooner that we reclaim our moral authority in the world by clearly articulating which techniques we find to be abhorrent, regardless of the nationality of the interrogator, the sooner we can better protect our homeland and our folks in uniform who are in harm's way.

I strongly encourage all of my colleagues in this body on both sides of the aisle to strengthen our national security by supporting this very fine bill.

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 4 minutes to a member of the committee from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I rise in opposition to this bill and in opposition to overriding the President's veto. I think it's fine for us to stand up here on the floor and make all of the speeches we want about what the administration has or has not done that we like; there are some of those criticisms of the administration that I might well agree with about what they've done in the past. But I think it is a far different thing to stand up here and argue that we should put into law a measure that ties the hands of the professionals we expect to keep us safe.

This bill ties the hands of our national security professionals in a number of ways. One way is that it does not update the FISA law, which may well be the most important single thing the intelligence community does today that helps keep us safe. And, in fact, as the gentleman from Michigan noted, we are nearly 30 days beyond the expiration date of the Protect America Act; and every day that goes by makes us more vulnerable to a terrorist attack.

A bipartisan compromise in the other body garnered 68 votes, and yet we can't even have the leadership of this House bring it up for a vote to be considered so that each individual Member can exercise his judgment or his or her judgment or conscience in how they vote. If that measure had been rejected by the House, it would be one thing; but to never allow it to come up means that the leadership of this House insists on tying our hands, preventing our national security professionals from having the tools they need to do the job. I think that's inexcusable.

This measure before us also ties the hands of our national security professionals by limiting the interrogation techniques they can use, and even more than that, by broadcasting to the world the only interrogation techniques which can be used. It's like giving al Qaeda the training manual that they need to prepare their people for. And I know that the chairman of the Armed Services Committee just spoke. I wonder if he would be in support of just sending our battle plans out to any potential adversary saying this is what we are planning on doing. You all go ahead and get ready for it. We will tell you in advance what our intentions are. That's essentially what this bill does.

And I note, Mr. Speaker, a writer, Stuart Taylor of National Journal, last December put the scenario pretty well. He says, Imagine we get Osama bin Laden or some high-level lieutenant with the intelligence reports that a massive new al Qaeda attack may be eminent. Here are the questions all Members ought to answer when considering how they're going to vote: Should it be illegal for CIA interrogators to try to scare the person into talking by yelling at them? Should it be illegal to threaten to slap them in some way? Should it be illegal to pretend to be an interrogator from a different country? Should it be illegal to turn up the air-conditioning so they are uncomfortably cold? Should it be illegal to deny them hot food while giving them all of the cold food that they want?

Because all of those things would be illegal under the provision that's in this bill. It is not about waterboarding. It is about having a guarantee of hot food, comfortable temperature, no sort of deception, having no one raise their voice against you. Those are the protections for the terrorists that are in this bill.

I think that's a mistake. I think it is a mistake to tell them what we are going to do, and I think it is a mistake to take options off the table like turning up the air-conditioning.

These provisions, not having the FISA modernization, limiting their interrogation methods, treat our American professionals as the problem, and that's the problem with this bill. It should be rejected.

Mr. REYES. Mr. Speaker, continuing on this parallel universe, I now yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who chairs one of

our subcommittees, the Subcommittee on Intelligence Community Management.

Ms. ESHOO. Mr. Speaker, I thank our very distinguished, wonderful chairman of the House Intelligence Committee.

We are here this evening for one reason and one reason only: it is to override the President's veto of the House authorization for the intelligence community. And the reason, the stated reason, and the President said so, the reason he vetoed the bill is because he is for torture. T-o-r-t-u-r-e. It's what the President said.

This is a very sad, dark moment for our country that a President of the United States would remove all of the tools that we've provided for the intelligence community in a post-9/11 world and say, Because you don't allow torture, I'm not for the bill.

Now, the President's position is entirely inconsistent with our Nation's history. The United States of America has long accepted that torture is beneath the standard of a civil nation. In 1947, the United States prosecuted a Japanese military officer for carrying out a form of water torture on a U.S. civilian. The military has frequently prosecuted American military personnel for subjecting prisoners to torture since the Spanish-American War.

Our Nation was able to win two world wars and defeat a rising tide of communism with a torture prohibition in place. And I think that we can defeat America's enemies today without lowering ourselves, without allowing ourselves to become the organizers against us. That's what we have done. And we have not only degraded ourselves but helped to chip away at the magnificent credibility of our great Nation that people before us provided, and now we stand on their shoulders. And a President of the United States vetoes a bill because he stands for torture. We should slam that door shut.

And the way we do it is by overriding this President's veto. There isn't any room in our country for this. And for anyone to describe these things as being sissies because you stand against torture, that is really shameful. That's really shameful, with all due respect.

This is a tough position. It's the right position.

So I urge my colleagues to vote to override the President's veto because that veto was about torture.

Mr. HOEKSTRA. At this point in time, I would like to yield 4 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I would like to bring another aspect for sustaining the President's veto that hasn't been talked about yet.

When this bill was brought to the floor initially, there were some 26 earmarks in the legislation. First we were told there are no earmarks. Then we had kind of a wild goose chase up in the intelligence room to find if there were. We found out there actually were. Then we finally got a list, belatedly. We got the list of earmarks, I think, about 5 hours after the deadline for us to submit a list of earmarks that we wanted to challenge. How convenient was that?

And we were told, No, it is just procedural, but too late. You won't be able to offer any amendments. We were told at the beginning of the process this year that every earmark that was offered in a piece of legislation in a conference report, in a committee report would be able to be challenged on the House floor. That wasn't the case here. We had 20-some earmarks worth about $80 million that were never challenged that still, to this day, cannot, have not, will not be challenged by this House.

So that, for the process alone, we shouldn't go forward with this piece of legislation.

These weren't just any earmarks. One, $80 million worth; and, two, there were big earmarks like $23 million for the National Drug Intelligence Center. This is a center that the President has been trying to shut down for years because it doesn't coordinate efforts as it should. It gets, I think, about $39 million in the underlying bill and another $21 million in earmarked money in this piece of legislation. That's $23 million in taxpayer dollars in this piece of legislation. That's $62 million in taxpayer funding for an entity that the President and the executive branch want to close down, but it happens to be in the district of a particular powerful Member, so it stays. Again, we weren't able to challenge that.

That led, as we all know, to an altercation on the House floor between a few Members, a privileged resolution that was offered, but still, that earmark remains. All of these earmarks that still haven't been able to be challenged by the House remain in this piece of legislation.

Mr. Speaker, if there was ever, ever a case study in why we need an earmark moratorium, it is this piece of legislation that we are dealing with right now. No matter what you do, the earmarks remain. We even had a motion to instruct offered by my colleague from Michigan to take the earmarks in this bill out, remove them because they haven't been challenged, and they weren't brought to the floor in the proper manner.

□ 1745

That motion to instruct passed with a vote of 249 votes in favor. A sufficient number of Republicans and a significant number of Democrats voted for that motion to instruct to take the earmarks out, but here we are with this piece of legislation here again today, and every one of those earmarks still remains. You can't take them out.

We have to have a moratorium on earmarks so we can address this process. You can have good rules. And I commended the Democrats when they put the rules in place in January of this year. I mentioned that I thought that they were, in fact, a little stronger than what we, as Republicans, had put there. Having said that, rules are only as good as your willingness to enforce them, and the rules were not enforced here.

Again, this legislation came to the floor with earmarks that we were never able to challenge, that came after the deadline when we were to submit the list to challenge. And then the House acted, we acted to address, and with a clear, sufficient majority said, let's take the earmarks out. But still they remained.

I urge us all to sustain the President's veto of this legislation.

Mr. REYES. Mr. Speaker, I would tell the gentleman from Arizona that this veto is not about earmarks; it's about torture.

With that, I now yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), who serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Mr. Speaker, I thank the chairman of the committee.

When Congress passed this bill last year, I lauded several of its features, provisions aimed at attracting and retaining people with good foreign language capability and understanding of foreign cultures, a provision bringing speed to security clearance processes for new hires, the provision directing the Director of National Intelligence to establish a multilevel security clearance process, a provision requiring the inspector general to review all covert action programs, and a number of other things. Getting these things right is critically important because intelligence is among the most important functions of our government.

A good intelligence system can save lives by preventing war, or, should war come, by helping to win the war as quickly as possible. But a flawed intelligence system can be dangerous, as when intelligence is manipulated so as to take America to war under false pretenses, or when fearsome powers of the government are turned on its own citizens without checks and balances. Indeed, it's because this President opposes checks and balances on our intelligence system that we are forced to have this veto override today.

Let's be clear, American personnel, civilian or military, should never engage in interrogation practices that amount to torture. The provision the President objects to would simply put the entire U.S. Government under one standard for interrogating detainees, the Army Field Manual. The heads of the Defense Intelligence Agency and the FBI have testified that the nontorture guidelines in this bill are adequate for their people to follow in interrogation of dangerous people.

If the President were serious about restoring our reputation in the world and about providing moral and legal clarity for all government employees involved in the handling or interrogation of detainees, he would never have

vetoed this bill. Providing that moral and legal clarity is our constitutional obligation. And to that end, I urge my colleagues to join me in voting to override the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I am four for five on veto overrides of our President, but this is not one of them.

This bill limits our intelligence professionals at a time when we need more people in the Office of the Director of National Intelligence. The bill fails to provide tools to monitor foreign terrorist communications when we should be monitoring more of them. And it also provides less resources to our own intelligence community, not more.

The bill also does have earmarks in which the committee delayed publication. Senators MCCAIN and CLINTON and OBAMA all now support a complete moratorium on earmarks this year, but this legislation does not do that.

We not only hamstring our intelligence community by this bill, we waste millions of dollars on no or low quality earmarks that have little utility to the intelligence community. We should bring back this bill without any spy pork.

Mr. Speaker, I still serve in the intelligence community. We all know that torture is illegal, and we all read the papers and know that all Republican and Democratic candidates for President are against waterboarding. So, in January of this year, that will be over, but the rest of the issues in this bill will not.

Does this bill hamstring our community? It does. Does it fund 26 items of spy pork? It does. And for these reasons, we should not pass this flawed piece of legislation.

Mr. REYES. Mr. Speaker, again I would remind the gentleman that this is not about spy pork; it's about torture.

With that, I now yield 3 minutes to the gentlelady from Illinois, a valued member of our committee, Ms. SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank our chairman for yielding me this time and for his great leadership on this issue, and for making it clear that this veto was about torture.

In December, I said that restrictions on the use of torture represented a battle for the soul of our country. Because the President chose to veto this critically important piece of legislation, that battle continues today.

The way we treat our prisoners is a fundamental measure of our character. It is what separates great nations with moral authority to lead from other lesser nations.

The President's national security team has now publicly confirmed that the CIA waterboarded detainees. Incredibly, President Bush and his advisers insist that they have the legal authority to do so again and that they don't consider it torture. These claims have damaged our Nation's moral authority and credibility around the world.

There is a simple way to restore some of our moral authority. It is in this bill in the form of a provision mandating that all intelligence agencies and those under contract or subcontract with our intelligence agencies comply with the U.S. Army Field Manual on interrogation guidelines.

The interrogation rules in the Army Field Manual have served us well, but don't just take my word for it. Generals, intelligence professionals, diplomats, religious leaders, and foreign leaders, many of them our closest allies, have all spoken out against the use of coercive techniques such as waterboarding.

Consider the words of Navy Rear Admiral Mark Buzby, Commander of Joint Task Force Guantanamo, which is already required to comply with the Army Field Manual, who recently stated that ''we get so much dependable information from just sitting down and having a conversation and treating them like human beings in a business-like manner.'' Or what about the advice of the Republican Presidential nominee, Senator JOHN MCCAIN, who, before changing his mind and joining with President Bush to oppose this bill and with it Congress' effort to ban torture, stated that the issue of interrogation was ''a defining issue'' and that interrogation should be ''humane and yet effective.'' And that an Army general in Iraq had told him that ''the techniques under the Army Field Manual are working and working effectively, and he didn't think they need to do anything else.''

In December, Congress made its voice known and passed this critically important bill. With one flick of his pen, the President tried to take our voice way. I believe it is time to say once and for all ''no'' to techniques like waterboarding, ''no'' to torture, and ''no'' to this President's attempt to legitimize his administration's political legacy at the cost of this Nation's moral authority.

I urge all my colleagues to join with me in voting to override the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 3 minutes.

Mr. Chairman, it's interesting that this debate is about something that hasn't been done for 5 years. What we need to be talking about is what we haven't been able to do for the last 30 days.

My colleagues on the other side of the aisle are talking about a technique and a procedure that hasn't been used for 5 years, but they're unwilling to talk about the technique that enables us to identify what terrorists may have planned for the United States.

They don't want to address giving the tools to Americans who work in the intelligence community that have proven to be effective. They're willing to give our playbook to al Qaeda, but at the same time they've taken away our most effective tool, to try to determine exactly what al Qaeda may be up to. It is probably the most glaring deficiency in this bill, but there are many others.

It fails to provide adequate resources for human intelligence. The earmarks we've heard about. It fails to constrain the size of the intelligence bureaucracy. It fails to rationalize how we're going to put the intelligence community together. And then, interestingly enough, it continues the misplaced priorities.

We are unwilling to deal with FISA. We are unwilling to give that tool to our intelligence community, but we feel that it's more than appropriate to tell our intelligence community to go out and conduct a formal assessment of ''national security,'' the national security aspects of global warming.

Our intelligence professionals in the field need to be really wondering what's going on in the House, where they've now watched us for 30 days avoiding dealing with the tough issue that has proven to be so effective in keeping America safe, and at the same time we're arguing here, and the majority is arguing that, forget about surveilling al Qaeda and radical jihadists, take your resources and study national security aspects of global warming, although there's many other agencies that already work on that.

So, shelve FISA. As a matter of fact, don't even talk about FISA. Don't even bring it to the floor. Don't do any work on it. Don't put any proposals out there. Have no bipartisan discussions on where we go with FISA. Leave that on the shelf. Let our capabilities erode. Go out and study global warming.

What are the priorities of this House? How are we going to keep America safe when we, on one hand, handcuff our intelligence community, and on the other hand, we're telling them go out and study the national security aspects of global warming?

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

Mr. REYES. Mr. Speaker, on this side, we believe that our very capable and dedicated men and women of the intelligence community can keep us safe without torture.

I now yield 3 minutes to the newest member of our Intelligence Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman.

Mr. Speaker, the fight against terror is, at one level, a military struggle, but it is also, at its roots, a battle over hearts and minds.

On Sunday, we suffered a major setback in that battle when the President of the United States vetoed legislation that would unequivocally state to the world that we do not condone torture in any form, in any place, under any circumstance. Instead, by appearing to abandon the rule of law by appearing to step away from the Geneva Conventions, by failing to renounce the use of

torture in the clearest of terms, we are only undermining our standing in the world and endangering the lives of our very own men and women.

When the Attorney General of the United States recently testified before the Judiciary Committee, he could not tell us if and when waterboarding constituted torture. He even suggested that a determination whether something constitutes torture depends on who is being subjected to the technique and the desirability of the information that is being sought. His testimony was murky. It was ambiguous. It failed to establish any bright line for our personnel or for the rest of the world. He could only say that if it were done to him, well, then that would be torture.

Instead, the bright line standard, if there was one to be found in his testimony, and the one that he asked us to hold up to the rest of the world, was whether or not a harsh interrogation technique is part of a program authorized by an attorney in the obscure Office of Legal Counsel. I am deeply concerned about what this says to our own personnel and about what it says to the rest of the world.

This is, indeed, no intangible loss, for the effects of this failure of moral leadership may tragically be visited on those brave men and women serving in our Armed Forces.

Who among us can fail to recall the opening ways of the Iraq war when American troops had been captured and were paraded in front of the cameras? We were disgusted with their treatment, and rightfully so. If we hesitate, equivocate, or otherwise fail to ban the use of waterboarding, how can we have any confidence that when American troops are captured they will not be subjected to this form of torture? How can we make the case that other nations or other enemies must not torture because we don't torture? How can we win the battle for hearts and minds if we surrender our most powerful weapon, the power of our good example?

□ 1800

Mr. Speaker, I urge the override of the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

Again, the debate is about a bill that the President has outlined in his veto statement is deeply flawed, deeply flawed in the content of what is in the bill as to what it directs the President to do and the limitations that it places on the executive branch in being able to conduct the war against radical jihadists effectively.

But it's also clear that the message clearly outlines the deficiencies of what is not in the bill: the inability and unwillingness of the Democratic leadership to bring to the House the Senate-passed FISA modernization bill; a bill that reflects the values of the Speaker of the House; a bill that reflects the values of the current Speaker of the House when she was on the Intelligence Committee in 2001 when these discussions were under way that talked about what do we need to do to give our intelligence community the tools that they need to keep America safe so that we can better understand the plans, the intentions, and the capabilities of al Qaeda and other radical jihadists.

That is where the Terrorist Surveillance Program took root. Bipartisan, the President, the leadership of the House and the Senate, the leadership of the Intelligence Committees, and all of them united in saying we need to give this tool, this Terrorist Surveillance Program, to our intelligence community because it will allow us to collect the information, the data, that we can use to keep America safe. And that program was in place for over 5 years. It was in place and it proved to be very successful. And now for 30 days, almost 30 days, we've been unable to use that tool.

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

Mr. REYES. Mr. Speaker, I now yield 3 minutes to the gentleman from Austin, Texas (Mr. DOGGETT), who was just asking me, As I traveled around the world, have any of our fine men and women in the intelligence community ever asked to be given the tool of torture? and I said, No.

Mr. DOGGETT. I thank the gentleman for yielding.

Mr. Speaker, with this veto, President Bush has once again failed to safeguard our families.

And what is this ''waterboarding'' that the President so readily embraces? It sounds a little like a cousin of skateboarding or snowboarding. But, in fact, it is a new name for an old water torture in which a human being is drowned. The drowning is controlled to force a response, but waterboarding is simply a euphemism for torture by drowning.

Now, President Bush is not the first Texan to think of this and to believe that horrific wrongs can justify drowning of the culprit. An earlier Texas waterboarder is not in the White House; he was sent to the Big House. A Texas judge said that this waterboarding Texas sheriff put law enforcement ''in the hands of a bunch of thugs'' that would ''embarrass a dictator.'' The sheriff was sentenced to 10 years. That judge was right, and this administration is so very wrong.

America seems to have been sentenced to 8 years of DICK CHENEY, who claims that such water torture is a ''no brainer.'' ''No brainer''—that sounds like a good way to describe how so many of this Administration's policies have been made.

Torture is no proper tool in the arsenal of democracy. Torture is foreign to our values, foreign to our history, foreign to our religions, foreign to our laws, and it is foreign to our international commitments. There can be no compromise, no middle ground. We must have zero tolerance for torture.

If we abandon our American values, we lose who we are. We lose our identity. We lose our pride as the greatest Nation in the world. And if the Administration and its apologists continue forcing America to abandon the rule of law and our long commitment to human dignity, we will lose the war.

The use of torture, which President Bush's veto endorses, is not only un-American; it is ineffective. That is one reason why the Army Field Manual prohibits its use even when our military is in harm's way. As General David Petraeus, our commander in Iraq, wrote to his troops last year: ''Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.''

I say follow our generals, not the Cheney ideologues, not the apologists. Override this veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

I applaud my colleagues for speaking with such passion. I wish they had the same passion for addressing the tools that the leadership in the intelligence community have said that they have needed, that our intelligence professionals who are in the field have said that they have needed to keep America safe. And this leadership has been unwilling to bring it up for almost 30 days.

The tool that they want, the tool that they need, and the tool that has proven to be so effective is the Terrorist Surveillance Program, which is an updated version of FISA legislation. It takes the FISA legislation, it moves it forward, and it updates it. But for almost 30 days, that tool has been eroding, putting our troops at risk, putting our homeland at greater risk, putting other U.S. personnel who are oversees at greater risk, and putting our allies who depend so often on the work of our intelligence community, putting them at greater risk. As al Qaeda in Iraq has said they want to attack Jerusalem, as Hezbollah has said that they intend to retaliate for the death of Mughniyah 3 or 4 weeks ago, as the radicals seek to destabilize the regimes in the Middle East of modern Islamic countries, people that are working with us in the war and the threat against radical jihadists, our answer to them is we're going to curtail our intelligence activities, and as a result, you will be at greater risk because we are going to be of less assistance. We are not going to be able to give you the intelligence that you've been receiving for the last 5 years because our techniques are limited.

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

Mr. REYES. Mr. Speaker, I now yield 2 minutes to the chairwoman of the Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, for the last several years, Congress has been unable to pass an intelligence authorization bill. This means that the Intelligence Committee, entrusted with major responsibilities, a committee on which I was proud to serve for 8 years, 4 of those as ranking member, has been prevented from setting the direction for our intelligence community.

Finally this year, Mr. Speaker, the House and Senate agreed on a responsible bill and included in that responsible bill language to end the so-called ''CIA loophole'' on interrogations. The President has vetoed that bill and continues to insist irresponsibly, in my view, that Congress shall not impose a legal framework around interrogation policy. I strongly disagree and rise to override his veto.

Interrogations are a crucial tool in the effort to prevent and disrupt attacks against America, and Congress should not abdicate our obligation to legislate. Aside from stating the case, the Bush administration has never offered proof that extreme interrogation techniques like waterboarding are effective. I believe Senator JOHN MCCAIN who says that waterboarding is torture, that such techniques do not work.

Article I, section 8 of our Constitution requires Congress to ''regulate captures on land and water.'' This is our responsibility. We have seen the erosion of respect for America that comes from scandals like Abu Ghraib and incarceration without end at Guantanamo Bay. The military and FBI conduct interrogations under clear rules. So why can't the CIA?

Mr. Speaker, my message to the White House is this: Congress is a coequal branch of government. The Constitution plainly gives us the power to legislate interrogation policy, and we must use it.

Vote ''aye.''

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

The Detainee Treatment Act, 2005, prohibits cruel, inhumane, and degrading treatment, the standard found in the convention against torture. It applies to anyone held by U.S. authorities. We have dealt with that issue. We dealt with it in 2005.

What my colleagues don't want to talk about is they don't want to talk about the other weaknesses in this bill. And it's clear, by what their actions have been for the last 4 weeks, they don't want to talk about FISA.

As my former ranking member has indicated, it is tough to pass an authorization bill. It is tough to pass legislation. She and I worked together and passed, with our colleagues in the Senate, an Intelligence Reform Act, which in many ways has worked and in some ways we need to go back and take a look at. But one of the things that we learned through that process is to make it work, you need to do it on a bipartisan basis.

The problem with this bill is that it is a partisan bill. It passed the Senate with a very narrow majority. It passed the House on a partisan vote. That's not how you're going to get it done. You're going to do it the same way that the Senate has done the FISA bill.

But the interesting thing is the model for getting something done, which is a bipartisan bill, which is what we did on intelligence reform, we had Republicans and Democrats who came together to make it a majority; and we also had Republicans and Democrats who opposed us, and it was sometimes very painful. Now, when the Senate has gone through that process and passed a bipartisan bill on FISA, the model, 27 Democrats, 41 Republicans coming together and modernizing FISA, the end result is this leadership on the House side refuses to deal with it. It's on every intelligence issue that we've dealt with in this Congress.

When it comes to national security, when it comes to intelligence, there is not an ounce of compromise. It's all about getting everything, and that's why the President vetoed this bill, because it is not a bipartisan bill. There are many weaknesses in it.

All the focus on their side is torture. Talk about FISA, which makes a real difference to our men and women in the intelligence community today.

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

Mr. REYES. Mr. Speaker, could I inquire as to the time on both sides.

The SPEAKER pro tempore (Mr. SALAZAR). The gentleman from Texas has 5 minutes. The gentleman from Michigan has 6½ minutes.

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

Mr. HOEKSTRA. Mr. Speaker, I will yield myself 1½ minutes.

Mr. Speaker, it's interesting, as we go through this process and we talk about what's in the bill, the provision that we are talking about, or at least the other side is talking about, is a provision that was dropped in in conference. It came from the Senate. It didn't come from the House. We ought to follow that model. Follow the leadership.

It's interesting, we follow the leadership here when it's a partisan vote coming from the Senate; but when it's a bipartisan effort from the Senate, the leadership on the Democratic side will not respond and will not follow.

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On this bill, we are going to sustain the veto. It is a flawed bill through and through. It would be interesting for this House to do the right thing, to have a vote on a national security issue, the modernization of FISA, to bring that vote. I am very much afraid that we are going to go home Thursday or Friday of this week and we are going to go on a 2-week recess and, once again, we will not have dealt with the modernization of FISA.

That means that we will go through a period of 6, 7, 8 weeks of eroding capabilities, each and every day becoming more vulnerable to radical jihadists and other groups who want to harm America.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I say to the gentleman from Michigan, it won't be interesting if this veto is sustained. It will be a sad day for this country because it will be sustaining torture.

With that, I now yield 2 minutes to the gentleman from New York, the valued member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, a few weeks ago, I joined my colleagues in writing to the President urging him to sign this conference report. This conference report contains a provision that mirrors legislation which I authored with Congressman DELAHUNT, the American Anti-Torture Act, that would ensure a single, uniform baseline standard for all interrogations conducted by the U.S. intelligence community. I applaud the leadership of Senator FEINSTEIN and the other conferees for including this measure in the report.

Since news of the mistreatment, and possible torture, of detainees in U.S. custody first surfaced, Congress has debated, and legislated, on the subject of the legal, and moral, limits on interrogation. Torture is unworthy of the United States and its people. It places every American, especially every American in uniform around the world, at grave risk.

The United States has historically been a leader in the effort to establish and enforce the laws of war and the conventions against torture. The Army Field Manual is an outstanding example of how our modern military effectively gathers intelligence and observes international norms of conduct.

We all understand the critical role that intelligence plays in helping us achieve these goals. But torture and cruel, inhuman, or degrading treatment, besides being contrary to our values, have proven not to be effective in obtaining actionable intelligence. Current and former members of the military have made it clear that torture doesn't work.

That includes General Petraeus, who wrote an open letter that the standards in the Army Field Manual ''work effectively and humanely in eliciting information from detainees.'' Lieutenant General Kimmons, the Deputy Chief of Staff for Intelligence, similarly stated that ''No good intelligence is going to come from abusive practices. Any piece of intelligence which is obtained under duress, under, through the use of abusive techniques would be of questionable credibility.''

Mr. Speaker, the President and this administration have repeatedly said that America does not torture. But most intelligent people know the word of this administration cannot be trusted. And to prove the point, when asked to place those assurances into law, the

President refuses. Now Congress must act to override the President's veto and hold him to his word.

And later this week, we will deal with FISA. And all the nonsense spewed by the other side will be dealt with because we will again, as we did last November, pass a bill which will give every tool the administration says they need to them but will place it under judicial and congressional supervision to protect our liberties as well as our safety.

I urge support of this veto override to outlaw torture once and for all.

Mr. HOEKSTRA. I yield myself 2 minutes.

It is interesting to talk about waterboarding. It hasn't been done for 5 years. It is interesting to talk about we are going to get rid of cruel, inhumane, and degrading treatment. We did that in the Detainee Treatment Act of 2005. It is prohibited, prohibited on any person that is held in U.S. custody. So it is easy to talk about those things.

It is time that the House start doing the hard stuff and the heavy lifting. That heavy lifting has now been put off for almost 4 weeks. And my fear is that we will leave without having resolved the issue between the House and the Senate, and we will go away for 2 more weeks because the House and the Democratic leadership refuses to do the heavy lifting and refuses to do the hard stuff. They are willing to go back and do the stuff that was done in 2005 and address issues that haven't occurred for over 5 years. But when it comes to keeping America safe and doing what is necessary and giving the tools to the intelligence community to keep us safe, leadership of this House is unwilling to act and is unwilling to do what is necessary.

With that, I reserve the balance of my time

Mr. REYES. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from Maryland, a member of the leadership of this House, the majority leader, and one that is proud to stand up against torture and for the American people, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding.

In response to the distinguished ranking member of the committee, let me read a statement from the President's veto message of March 8, 2008:

''My disagreement over section 327 is not over any particular interrogation technique; for instance, it is not over waterboarding, which is not part of the current CIA program.'' He doesn't say that it will not be a part of the CIA program. He has very carefully worded, ''It is not part of the current program.''

That is why I tell my friend this legislation is relevant. That is why, in my opinion, his Presidential candidate, although he seems to have changed his mind, passed his own bill, which the President, of course, signed and then had a signing statement that he wasn't sure that he had to follow it, that torture was not the policy of the United States of America. I agree with that. It's not. It should not be. But we need to make a very clear statement that it is not. Why? Because the rest of the world is looking at us and wondering what are the values that this great Nation we respect so much values?

Mr. Speaker, on Saturday, the President could have made a clear, unequivocal statement that this great Nation does not and will not torture those in our custody. He should have signed this important intelligence authorization conference report into law. But instead, he vetoed it, because it requires all American intelligence agencies to comply with the U.S. Army Field Manual on Interrogations.

Let us be clear: This veto was unfortunate and misguided. It threatens to further degrade America's moral standing as others have said, including Colin Powell, the former Secretary of State in this administration. It threatens to undermine our credibility in the international community and to expose our own military and intelligence personnel to the very same tactics and treatment.

Mr. Speaker, every Member here believes that our Nation must take decisive action to detect, disrupt, and, yes, eliminate terrorists who have no compunction about planning and participating in the mass killings of innocent men, women, and children in an effort to advance their twisted, demented aims. We can, we will, and we must prevail in the war on terror. However, in the pursuit of those who seek to harm us, we must not sacrifice the very ideals that distinguish us from those who preach death and destruction and say that their ends justify whatever means they may use.

During the current administration, we have seen the line blurred between legitimate, sanctioned interrogation tactics and torture. And there is no doubt, our international reputation has suffered and been stained as a result. The excesses at Abu Ghraib and Guantanamo are well known, as well as the administration's belief that the Geneva Convention against torture is, and I quote, quaint. Let me repeat that for my colleagues. The administration's advice that it got from counsel was that the Geneva Conventions against torture is, quote, quaint, close quote. I would suggest to you it is as relevant today as it was when it was signed.

These incidents and others sully our great Nation's good reputation and allow our enemies to foment fear and stoke hatred. Requiring all intelligence agencies to comply with the Army Field Manual on interrogation is an attempt by this Congress, passed by majorities in both Houses, to repair the damage that has already been done. Furthermore, the techniques permitted by the Army Field Manual have been endorsed by a wide array of civilian and military officials as both effective and consistent with our values.

Here, in fact, is what General David Petraeus wrote to members of the Armed Forces in Iraq last May. I believe it has been quoted, but it bears repeating:

''Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.''

General Petraeus went on to say:

''Our experience in applying interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.''

Mr. Speaker, this is not a question of whether we must combat and defeat terrorists. We must. However, we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant.

I urge my colleagues on both sides of the aisle, vote to override this unjustified and deeply misguided veto.

Mr. HOEKSTRA. I yield myself 1 minute.

The Detainee Treatment Act outlaws cruel, inhumane, and degrading treatment. There seems to be a sense of urgency to do what we have done and do it again. It is too bad that there is no sense of urgency to give our individuals in the intelligence community the tools that they need to keep us safe.

The Senate has passed FISA. We should do the same thing. And we should do it before we go home. We need to start doing national security issues in a bipartisan basis. The longer we continue going down this path of making national security and intelligence issues purely partisan, some might call them purely political issues, we risk the security and the safety of the American people.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, could I inquire as to the time.

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes remaining. The gentleman from Michigan has 2½ minutes remaining.

Mr. REYES. Mr. Speaker, with that, I will yield 1 minute to the gentlewoman from California, the Speaker of the House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman of the Intelligence Committee for his leadership on protecting the American people. In addition to being Chair of the Intelligence Committee, he has served for many years on the Armed Services Committee. He brings to his position on Intelligence the commitment that we all have, to protecting the American people, to building a strong military second to none to do that, to protect the American people. He knows that force protection is one of the main priorities of intelligence, to protect our forces, and when they are in harm's way, to make sure they have the intelligence to prevail.

Mr. Speaker, the New Direction Congress has made strengthening national security and improving America's intelligence capabilities a top priority. It is our major responsibility, to protect the American people.

Our very first piece of legislation, H.R. 1, took the bipartisan 9/11 Commission recommendations off the shelf, as they had been in the Republican Congress, and put them into law to better protect the American people. We then began our efforts to strengthen America's military, the readiness of which has been greatly depleted by the President's failed Iraq policy.

To restore our military strength, we have expanded the size of the Army and Marine Corps, passed legislation insisting that only fully mission-capable forces be deployed, and funded essential equipment, including armored Humvees.

Mr. Speaker, America's security depends on the strength of our military as we all know, but also the quality of information gathered and analysis provided by the 16 intelligence agencies that make up our Nation's intelligence community. As someone who has served on the House Intelligence Committee now as a member and ex officio for 16 years, longer than anyone in the Congress, I understand that policymakers in Congress and in the executive branch must be able to rely on accurate, timely, and actionable intelligence. That is why this intelligence authorization bill invests in human intelligence, counterterrorism operations, and analysis. It is a critical step in protecting our Nation. And the President should have signed it into law.

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Regrettably, President Bush vetoed these critical investments in our intelligence capabilities because this legislation extended the Army Field Manual's prohibition on torture to intelligence community personnel.

The prohibition on torture that the President vetoed protected our values, protected American military and diplomatic personnel, and protected Americans by ensuring accurate intelligence. Our Nation is on a stronger ground ethically and morally when our practices for holding and interrogating captives are consistent with the Geneva Conventions, when we do not torture.

We all have our views here about intelligence gathering, analysis and dissemination; and, again, much of the focus is on force protection. So I look to the words of those who have served in the military for their view on this subject.

In the words of Retired RADM Donald Guter, a former Navy Judge Advocate General, he says: ''There is no disconnect between human rights and national security. They are synergistic. One doesn't work without the other for very long.''

Failing to legally prohibit the use of waterboarding and other harsh torture techniques also risks the safety of our soldiers and other Americans serving overseas. In a letter to the congressional Intelligence Committee chairmen, 30 retired generals and admirals, including General Joseph Hoar, the former head of the U.S. Central Command, the command that oversees our military activities in the Iraq region, the Middle East and greater Middle East area, those 30 retired generals and admirals, looking again to the voices of those who have led in the military, stated: ''We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans.''

Many military officials and intelligence professionals have also stated that torture is ineffective; it is unlikely to produce the kind of timely and reliable information needed to disrupt terrorist plots.

I want to reinforce the message of my colleague, the majority leader, STENY HOYER, in quoting the words of General David Petraeus. As Mr. HOYER just stated, but I think it bears repeating, the words of General David Petraeus: ''Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. That would be wrong,'' General Petraeus said. He went on: ''Beyond the basic fact that such actions are illegal, history shows that they are frequently neither useful nor necessary.''

These leading military men and women and those of us who support this legislation's ban on torture believe that we can and we must protect America while preserving our country's deeply held principles.

In the final analysis, our ability to lead the world will depend not only on our military might but also on our moral authority. Today, we can begin to reassert that moral authority by overriding the President's veto.

Thank you again, Mr. Chairman, for your leadership.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I am astounded that you can use the words ''torture'' and ''waterboarding'' as though you were not on the committee of jurisdiction knowing about it as an ex-officio at the time it is to have occurred. I am shocked that this is going to be all about a procedure or procedures that in fact the Speaker of the House had the ability to know about and condoned for years. I am shocked that the Speaker of the House would speak about David Petraeus, when in fact David Petraeus has said publicly and privately: ''You know, on the battlefield of Iraq, I can kill the enemy, but I can't listen to him if he calls America.''

This today should be about what we haven't done. We haven't taken up the Senate's FISA bill. We haven't dealt with the fact that we are in danger every day, and as a member of the intelligence community, I know just how damaging the absence of action has been.

This bill has become a partisan bill, and wrongly so. I call on my colleagues on both sides of the aisle to fix it and move on, rather than complaining about something that the Speaker is well aware of.

Mr. REYES. Mr. Speaker, could I inquire of the time.

The SPEAKER pro tempore. The gentleman from Texas has 1 minute and the gentleman from Michigan has 1½ minutes.

Mr. REYES. Thank you.

I would advise the gentleman from Michigan I have one additional speaker.

With that, I now yield 45 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, there are five compelling reasons why we should override the President's veto of this bill and sustain the congressional ban on torture:

First of all, it creates a double standard between the military and our intelligence personnel. The rest of the world won't recognize the difference, and neither should we.

Secondly, it gives us faulty information. Somebody being tortured will tell you whatever is necessary in order to stop the torture.

Thirdly, it jeopardizes our own personnel, because the enemy will consider it a license to torture American prisoners.

Fourth, it is illegal, according to the Geneva Conventions.

Fifth, it is immoral, and thus it is un-American.

Our Founding Fathers believed that this Nation would be united by a common set of values, that we would stand as a moral guidepost to the rest of the world. This undermines that moral high ground, and that is why this veto should be overridden.

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

Mr. Speaker, I encourage my colleagues today to sustain the President's veto. This is an ill-advised bill. This goes back to what we did in the 1990s, ''bugs and bunnies,'' telling our intelligence folks that it is time to focus your resources and your skills on studying the national security implications of global warming.

There are many problems with this bill. But the sense of urgency that we have in the intelligence community today is, as my colleague from California pointed out today, we are going to tell al Qaeda exactly what may happen. We are going to give them our playbook. And at the same time we have limited our ability to listen to radical jihadists.

It is now 26, 27, 28 days since FISA, or the Protect America Act, has expired. How many more days will my colleagues on the other side of the aisle

wait before they take up this legislation from the Senate? Will it be one more day? Will it be three more days? Will it be two more weeks? Will it be two more months? How much greater do you want to increase the risk to the homeland, to our allies, to our troops, before you act?

The Speaker of the House shortly after 9/11 agreed that we needed to act. It is beyond me why she doesn't want to act now and why we don't have that sense of urgency. It is time to bring FISA to the floor, and it is time to sustain the President's veto.

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

Mr. REYES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a critical bill for the intelligence community. If you vote to sustain this veto, you are voting for torture with the President. I believe we should stand with the men and women of the community and override the President's veto.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to cast my vote to override the President's veto of the ban on torture. This bill would have prevented the CIA from engaging in acts of torture. The President vetoed this bill over the provision that specifically extends to U.S. intelligence agencies and personnel the current prohibitions in the Army Field Manual against waterboarding and other torture.

The human rights violations perpetrated by the Bush Administration against people detained by the United States have done more to compromise this nation's security than to protect it. We can protect our nation from acts of terrorism without compromising our values or the Constitution.

The use of torture by U.S. intelligence agencies to gain intelligence is repugnant on moral grounds. In addition, many experts agree that information extracted through torture is often unreliable and misleading. Moreover, as the former Chairman of the Joint Chiefs of staff, Colin Powell, has testified, torture will put our own troops at greater risk of torture.

In 2007, General David Petraeus stated that torture is wrong and that the Army Field Manual works. In an open letter to service members in May 2007, General Petraeus stated, ''Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone 'talk;' however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.''

At a February 29th news briefing to oppose the President's anticipated veto, retired Lt. Gen. Harry Soyster, former Director of the Defense Intelligence Agency, stated, ''Experience shows that the Army Field Manual's approaches to interrogation work. The Army Field Manual is comprehensive and sophisticated. It contains all the techniques any good interrogator needs to get accurate, reliable information, including out of the toughest customers. . . If [individuals] think these [harsh interrogation] methods work, they're woefully misinformed. Torture is counterproductive on all fronts. It produces bad intelligence. It ruins the [interrogation] subject, makes them useless for further interrogation. And it damages our credibility around the world.''

Moreover, 30 retired military leaders have pointed out that failing to prohibit harsh interrogation techniques endangers our men and women in uniform. In a December 2007 letter, 30 retired military leaders wrote, ''We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans. . . . The current situation, in which the military operates under one set of interrogation rules that are public and the CIA operates under a separate, secret set of rules, is unwise and unpractical . . . What sets us apart from our enemies in this fight . . . is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect.''

Many retired military leaders have also pointed out that waterboarding is clearly torture and is illegal. For example, Retired Admiral Donald Guter, Judge Advocate General, wrote in a November 2007 letter, ''Waterboarding is inhumane, it is torture, and it is illegal. . . This is a critically important issue—but it is not, and never has been, a complex issue, and even to suggest otherwise does a terrible disservice to this nation. . . . Waterboarding detainees amounts to illegal torture in all circumstances. to suggest otherwise—or even to give credence to such a suggestion—represents both an affront to the law and to the core values of our nation.''

Finally, the use of torture has weakened our national security by eroding our moral standing and has cost us our ability to enlist the cooperation and support of other nations in our fight against terrorism, and places our military and diplomatic personnel at risk. This practice must be stopped. Overturning this veto would be a crucial first important step to restore our moral standing in the world. It is imperative that Congress tells the world in no uncertain terms: Americans do not engage in torture.

Mr. CASTLE. Mr. Speaker, I rise in opposition to overriding the President's veto of H.R. 2082, the conference agreement on the Fiscal Year 2008 Intelligence Authorization Act.

As a former Member of the House Select Committee on Intelligence, I believe it is vital that we provide the United States intelligence agencies with the tools and resources necessary to ensure our security. Therefore, I strongly support funding in this bill for human intelligence activities, intelligence analysis, and counterterrorism operations. Furthermore, I support language in the agreement prohibiting the use of interrogation techniques not authorized by the U.S. Army Field Manual on Human Intelligence Collector Operations. Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not. In fact, I have cosponsored legislation to require the anti-torture provisions included in this conference agreement.

Nevertheless, I will oppose this bill because it fails to implement the 9/11 Commission's recommendations for reforming congressional oversight of intelligence funding. In its final report, the 9/11 Commission concluded that: ''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by the current congressional rules and resolutions, we believe the American people will not get the security they want and need.''

Last year, the Democratic leadership attempted to apply a ''Band-Aide'' to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. This is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that ''tinkering with the existing committee structure is not sufficient.'' In May of 2007, I offered a simple amendment to the bill before us, calling for Congress to implement these crucial recommendations—but it was prevented from being considered for inclusion in this legislation.

Mr. Speaker, the American people have insisted that we implement all of the 9/11 Commission recommendations—even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support, and leadership they need.

Mr. PAUL. Mr. Speaker, I rise in somewhat reluctant support of this vote to override the President's veto of H.R. 2062, the Intelligence Authorization Act of 2008. Although I voted against this authorization when it first came to the floor, the main issue has now become whether we as a Congress are to condone torture as official U.S. policy or whether we will speak out against it. This bill was vetoed by the President because of a measure added extending the prohibition of the use of any interrogation treatment or technique not authorized by the United States Army Field Manual on Human Intelligence Collector Operations to the U.S. intelligence community. Opposing this prohibition is tantamount to endorsing the use of torture against those in United States Government custody.

Mr. Speaker, we have all read the disturbing reports of individuals apprehended and taken to secret prisons maintained by the United States Government across the globe, tortured for months or even years, and later released without charge. Khaled al-Masri, for example, a German citizen, has recounted the story of his incarceration and torture by U.S. intelligence in a secret facility in Afghanistan. His horror was said to be simply a case of mistaken identity. We do not know how many more similar cases there may be, but clearly it is not in the interest of the United States to act in a manner so contrary to the values upon which we pride ourselves.

My vote to override the President's veto is a vote to send a clear message that I do not think the United States should be in the business of torture. It is anti-American, immoral and counterproductive.

Mr. UDALL of Colorado. Mr. Speaker, the President's veto of this legislation was not a surprise but still very disappointing.

It was not a surprise because the President had clearly signaled his intention to reject the bill's requirement that all intelligence agencies follow the rules governing interrogation techniques followed by our military, even though the bill also authorizes supplemental funding for counterterrorism as well as funding for advanced research and development funding to

help maintain our technical capacity for intelligence, to repair and replace aging and inadequate power infrastructure, and to improve training and education of linguists, analysts, and human intelligence collectors.

But it was disappointing that President Bush refuses to agree to that simple requirement, because the result is to signal to the world that he refuses to recognize that the result will be to place every American, especially those in uniform around the world, at grave risk.

The United States historically has led in the effort to establish and enforce the laws of war and conventions against torture. Indeed, the Army Field Manual is an outstanding example of how our modern military effectively gathers intelligence and observes international norms of conduct.

The importance of that leadership and the appropriateness of the guidelines in the field manual were clearly recognized by Congress when we voted to approve the conference report's provision extending the field manual to the entire intelligence community—the provision to which the President objects and which has prompted him to veto the legislation. By extending the field manual to the intelligence community, the legislation would effectively outlaw waterboarding and similar coercive techniques. I support that because waterboarding is widely and rightly viewed as a form of torture and the refusal to renounce its use will result in greater damage to our national interests than the possible benefits of its possible use in the future.

I think the case for overriding the President's veto was well made by the Colorado Springs Gazette in a recent editorial pointing out that "the use of torture blurs the line between civilized societies and ruthless barbarians." As the editorial notes,

In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority.

It is telling that the firmest opponents of the use of torture tend to be military and former military people who understand the dangers to captured military personnel if it is widely believed that the U.S. engages in torture. Instead of spinning unlikely scenarios in which torture might be justified, the government should announce that America doesn't do that any more—and mean it.

I agree, and that is why I will vote today to override the President's unwise veto of this important legislation. For the benefit of our colleagues, I am attaching the complete text of the editorial:

[From the Colorado Springs Gazette, Feb. 14, 2008]

THE HIGH ROAD—FORSWEARING TORTURE GIVES U.S. MORAL STANDING

So it's out in the open now. Central Intelligence Agency Director Gen. Michael Hayden admitted to the Senate Intelligence Committee last week that the CIA used the coercive interrogation technique known as waterboarding, a form of simulated drowning, on three al-Qaida operatives in 2002 and 2003. The technique is widely viewed as torture, which is prohibited by U.S. law and international treaties. Hayden said it has not been used since 2003 but that the CIA could use it again if approved by both the attorney general and the president.

The Justice Department is currently investigating the destruction of videotapes of the interrogations of two detainees held in Thailand who were reportedly subjected to waterboarding and other coercive interrogation techniques to determine whether destroying the tapes amounted to obstruction of justice.

Public disclosure of these incidents should lead to a firm U.S. policy preventing government operatives from using torture in the future. Perhaps the best thing about the emergence of Sen. John McCain as the Republican presidential frontrunner is that McCain, who was tortured by the North Vietnamese while a POW during the Vietnam War, has expressed his firm opposition to the use of torture by the U.S. He has said that one thing that helped him endure his imprisonment was the knowledge that our side doesn't engage in such barbarity.

Torture is sometimes justified as the only way to extract information from detainees when an attack is deemed imminent, and Hayden said in 2002 and 2003 that everybody expected an attack on the U.S. following the 9/11 terrorist attacks. But most experienced interrogators say torture seldom if ever produces reliable intelligence, that while other techniques may take longer, they generally produce better information.

At a more fundamental level, the use of torture blurs the line between civilized societies and ruthless barbarians. In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority.

It is dismaying, therefore, that a day later White House spokesman Tony Fratto was still saying that waterboarding might be used justifiably in the future. It would have been better to acknowledge that in the wake of 9/11 the U.S. used coercive techniques, that one could understand the temptation considering the circumstances and the lack of knowledge about al-Qaida, but that we had renounced the practice.

It is telling that the firmest opponents of the use of torture tend to be military and former military people who understand the dangers to captured military personnel if it is widely believed that the U.S. engages in torture. Instead of spinning unlikely scenarios in which torture might be justified, the government should announce that America doesn't do that any more—and mean it.

Mr. REYES. Mr. Speaker, I am proud to move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, this 15-minute vote on the passage of the bill on reconsideration will be followed by 5-minute votes on suspending the rules and adopting House Resolution 948 and House Resolution 493.

The vote was taken by electronic device, and there were—yeas 225, nays 188, not voting 17, as follows:

[Roll No. 117]

YEAS—225

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

NAYS—188

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

Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
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, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Capito
Coble
Davis (KY)
Dent
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rush
Schwartz
Tancredo
Thompson (MS)
Woolsey

□ 1901

Mr. FEENEY changed his vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 117, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 117, I was detained at a firefighters ceremony. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, during rollcall vote No. 117 on H.R. 2082, I mistakenly recorded my vote as ''no'' when I should have voted ''yes.''

The SPEAKER pro tempore. The veto message and the bill will be referred to the Permanent Select Committee on Intelligence.

The Clerk will notify the Senate of the action of the House.

CONGRATULATING THE UNIVERSITY OF KANSAS FOOTBALL TEAM FOR WINNING THE 2008 FEDEX ORANGE BOWL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 948, 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 gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 948, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 0, answered ''present'' 12, not voting 21, as follows:

[Roll No. 118]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
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
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—12

Akin
Blunt
Boucher
Carnahan
Clay
Cleaver
Emerson
Graves
Hulshof
Larsen (WA)
Skelton
Smith (NE)

NOT VOTING—21

Alexander
Butterfield
Capito
Davis, Tom
Dent
Dingell
Hooley
Kilpatrick
McCrery
Mitchell
Moran (VA)
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rush
Tancredo
Tanner
Thompson (MS)
Woolsey

□ 1909

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.

CONGRATULATING THE WOMEN'S WATER POLO TEAM OF UCLA FOR WINNING THE 2007 NATIONAL CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 493, 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 gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 493, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 29, as follows:

[Roll No. 119]

YEAS—400

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

NOT VOTING—29

Alexander	Hooley	Rangel
Bachmann	Kilpatrick	Ros-Lehtinen
Boren	Lewis (GA)	Rothman
Butterfield	McCrery	Rush
Capito	Melancon	Tancredo
Davis, Tom	Mitchell	Thompson (MS)
DeLauro	Moran (VA)	Tiahrt
Dent	Oberstar	Wasserman Schultz
Dingell	Pryce (OH)	
Hill	Radanovich	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1917

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. TIAHRT. Mr. Speaker, on rollcall No. 119, I was unavoidably delayed. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DENT. Mr. Speaker, on rollcall Nos. 117, 118 and 119, I was detained at a meeting with firefighters and missed the votes. Had I been present, I would have voted "no" on rollcall No. 117, "yes" on rollcall No. 118, and "yes" on rollcall No. 119.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 312, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–548) on the resolution (H. Res. 1036) providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, which was referred to the House Calendar and ordered to be printed.

ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1031 and ask for its immediate consideration

The Clerk read the resolution, as follows:

H. RES. 1031

Resolved, That House Resolution 895, amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ABERCROMBIE. Will time be allowed on the Democratic side of the aisle in opposition?

The SPEAKER pro tempore. Each of the managers controls 30 minutes.

Mr. ABERCROMBIE. Will time be allotted on the Democratic side of the aisle for opposition?

The SPEAKER pro tempore. The time is not allocated on the basis of the attitude of Members towards the measure. The gentlewoman from Ohio

will control the time on her side of the aisle.

Mr. ABERCROMBIE. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. ABERCROMBIE. Can the Speaker inquire of the gentlelady whether time will be given in opposition on the Democratic side of the aisle?

The SPEAKER pro tempore. The gentleman may ask the manager for time.

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

Mr. ABERCROMBIE. Mr. Speaker, I am under the impression that a question has been directed to the gentlelady.

The SPEAKER pro tempore. Does the gentlewoman yield for a parliamentary inquiry?

Ms. SUTTON. If there is time available, we will entertain that.

Mr. ABERCROMBIE. That's my question, Mr. Speaker.

The SPEAKER pro tempore. Will the gentlewoman yield for a parliamentary inquiry to the Chair?

Ms. SUTTON. Yes.

Mr. ABERCROMBIE. Will time be made available on the Democratic side in opposition?

Ms. SUTTON. If there is time remaining that hasn't already been assigned or requested, we will certainly not preclude opposition.

Mr. ABERCROMBIE. Does any time remain?

Ms. SUTTON. We're working on the list.

Mr. ABERCROMBIE. Mr. Speaker, that's nonresponsive. Mr. Speaker, I have permission to ask, and I'm trying to get an answer. That's certainly fair. Will there be time or not?

Ms. SUTTON. Mr. Speaker, I can't guarantee the time.

Mr. ABERCROMBIE. And this is about ethics.

Ms. SUTTON. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentlewoman from Ohio has the time.

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. ABERCROMBIE. I want to make sure I understand.

The SPEAKER pro tempore. Pardon the Chair, The gentleman is not recognized. The gentlewoman has reclaimed her time and does not yield for a parliamentary inquiry.

Mr. ABERCROMBIE. Will the gentlelady yield?

Ms. SUTTON. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentlewoman does not yield. The gentlewoman is recognized.

Ms. SUTTON. Mr. Speaker, H. Res. 1031 provides for the adoption of H. Res. 895, which establishes an Office of Congressional Ethics in the House of Representatives. I rise in support of this important rule that will allow us to enact one of the most important ethics reforms this House has ever seen.

Mr. Speaker, the issue of ethics and accountability has long been on the minds of the people that I represent. During my campaign to become a Member of this esteemed body, everywhere I went, people asked about it. They believed and, Mr. Speaker, they were absolutely right, that the corruption and unfair influence that existed in past Congresses was having an effect on our policies, deflecting us from making progress on issues important to them and families across this great Nation.

So last year, Mr. Speaker, on my first day in office representing the people of Ohio's 13th District, I was very proud to stand on the floor of the House of Representatives to support the new ethics and lobbying reforms which have now become law. We ended the K Street Project and cut off the gifts and the perks used far too often by lobbyists to woo lawmakers. The historic rules package we passed was extraordinary in its scope and breadth. But it was only the beginning of actions necessary to restore the public trust and to cut off the abuses of recent years.

Mr. Speaker, trust is a fragile thing. It's difficult to win and easy to lose. It finds its hold on promises kept and honesty sustained and unquestionable integrity.

Many of us, Mr. Speaker, came to this new Congress as new Members dedicated to acting to change the way business was being conducted. In May of last year, I stood side by side with my freshman Democratic colleagues, some of whom we'll hear from today, calling for the creation of a nonpartisan and independent body that could initiate and examine ethics investigations. And today, we are acting to make this change happen.

With this bill, we continue the mission of pushing back against corruption. We are forging ahead to restore trust and confidence in this great institution.

Mr. Speaker, House Resolution 895 will help end the culture and abuses that have hurt the American people, both in policy and in spirit. This legislation is the culmination of hard work of Representative CAPUANO and the special task force on ethics enforcement. He deserves our appreciation.

Speaker PELOSI and Majority Leader HOYER also deserve praise for their tireless efforts to move this issue forward, sometimes in contentious times. The independent ethics panel will help cure many of the inherent structural flaws that restrain our present ethics structure by eliminating the conflicts of interest that can be found in our current system. The formation of this office is the next step in our mission to repair the damage to the public trust caused by corruption and to ensure that any potential abuses in the future will be identified and addressed.

And it's important to emphasize, Mr. Speaker, that our bill establishes an independent, bipartisan office of congressional ethics. The words ''independent'' and ''bipartisan'' are worth stressing.

We may hear today about the desire of some who want to delay action on this important measure, but the American people have waited and waited, and this bill has been a long time in the making. This bill was made necessary by abuses of the past that have robbed the public of their faith and trust in this institution, and this new bill was made possible by the commitment of this new Congress to ensure that we will do what it takes to prevent the excesses and abuses of the past and hold those who violate the rules accountable.

Safeguarding the trust of the American people is not a part-time job. The integrity of this institution and the trust of the American people must be paramount. And make no mistake, we take this step not only to restore the public trust, we must take this step to ensure that we will be an institution worthy of that trust. That's why we're acting today. The American people are waiting. I urge my colleagues on both sides of the aisle to join in support of this resolution.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me the customary 30 minutes, and with that, I yield myself such time as I might consume.

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

Mr. DREIER. Mr. Speaker, as legislators there can be no issue of more fundamental importance than the strength and the integrity of our institution. None of our work here, none of our legislative or political priorities matter if we don't have the integrity and the trust of the people that are necessary to be an effective body.

The Founders of our Republic, the authors of our Constitution, were well aware of the inherent challenges in making government fully accountable. They understood human nature and the pitfalls that go with investing power in individuals.

□ 1930

After all, Madison famously wrote in Federalist 51: ''But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.'' Those were the brilliant words of the Father of our Constitution.

Our Founders recognized, Mr. Speaker, these challenges and knew the answer was to empower institutions rather than individuals. They knew that

the House of Representatives, like all government institutions, must have the authority and the imperative to preserve its integrity and to punish those individual Members who would tarnish its reputation, diminish its stature, and erode its ability to serve as the representative of the people.

They gave explicit constitutional authority to do so. As we all know, Article II, section V, clause 2 of the Constitution directs Congress to ''determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.''

Ultimately, Mr. Speaker, they knew that the most important guarantor of accountable and trustworthy government is democracy itself. No individual Member of Congress ever acts with impunity because we are judged every 2 years by the people who sent us here. And, of course, no one is above the law.

As we speak, there are former colleagues of ours serving time in jail for their abuses of the offices that we hold. Outside watchdog groups, the media, individual voters and our criminal justice system are all working, and working quite effectively, to shed some light on this body and ensure Members are held accountable.

Externally, Mr. Speaker, the pressure is on. The problem is how to deal with accountability internally; how do we fulfill our constitutional imperative to police ourselves and preserve the integrity of this body. Our current process is broken. It's hamstrung by two key problems: partisan deadlock and a lack of transparency. This a serious challenge. It is so serious that some Members of this body apparently feel that we are not up to the job.

A task force was established to consider the question of whether we should just throw up our hands, concede that we are not capable of fulfilling our constitutional duty to police ourselves and set up another body to do it for us.

This was a dubious task to begin with, but I believe that it was tackled with all sincerity and commitment. Mr. CAPUANO and Mr. SMITH took on the role assigned to them and very carefully considered the question. But the breakdown came when it was time to make its recommendation.

The proposal put forth by Mr. CAPUANO, which ignores the real problem of a broken, internal ethics process, and in fact exacerbates the problem by adding a new partisan outside body, was not endorsed by his Republican counterpart. It met immediate criticism on both sides of the aisle. The Democratic leadership had no choice but to pull it.

Now, Mr. SMITH offered a very thoughtful alternative, and we were told that consideration of Mr. CAPUANO's proposal was being postponed in order to work with Mr. SMITH and consider his suggestion. That bipartisan negotiation, to my knowledge, Mr. Speaker, never took place. Mr. WAMP and Mr. HILL also submitted a proposal, a bipartisan proposal; but it was disregarded as well. Instead, we are back here confronting essentially the same deeply flawed proposal that was yanked from the schedule a couple of weeks ago.

They may have put lipstick on that pig, but it is still a pig, Mr. Speaker. This proposal still sets the stage for partisan witch hunts. It may take bipartisan support to initiate investigations, but they can be advanced purely on partisan lines. So at the very beginning, when little information is known, bipartisanship is called for. But once the process begins, the flood gates for partisan attacks are wide open. The minor modifications made to the original proposal do nothing more than attempt to obfuscate the utterly partisan nature of the proposed Office of Congressional Ethics.

As we have seen countless times under the Democratic leadership, a bad proposal demands a draconian process to get it through. And the worse the proposal is, the worse the process needs to be. We've seen an explosion of closed rules in this Congress. And what does a closed rule do? It severely restricts debate and shuts out all amendments. This has become the go-to rule for this new majority. And that's as bad as it could possibly get. Right? There is nothing worse that they could do than to shut out all amendments and alternatives. Right?

I used to think so until this point, until we saw this rule. This one absolutely takes the cake, Mr. Speaker. In case you missed it when the Clerk read it, and allow me to repeat it, pay attention or you will miss it again: ''Resolved, that House Resolution 895, as amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.'' That's what the resolution says. This rule actually provides for passage of the underlying proposal without so much as one single word of debate on this proposal. They simply declare it into existence. No debate, no vote. A closed rule may shut out dissent, but this rule eliminates deliberation altogether.

Before this Congress even began, our distinguished Speaker, my fellow Californian, committed to ''the most honest and open government,'' has managed to stoop to unprecedented lows in closed, inaccessible government that operates purely on back-room deals with no place for open, honest debate. And for what purpose? To ram through a policy so bad it has been widely and heavily criticized by both Democrats and Republicans. A policy to turn our ethics process into nothing more than cheap partisan games and a policy of abandoning our constitutional imperative to police ourselves and ensure the integrity of this great institution. This is terrible policy, brought to us by a singularly terrible rule.

I urge my colleagues to reject the rule and demand real ethics reform that actually addresses the root problems in our current system and accepts responsibility, as the Constitution directs us to, for our own ethics process.

With that, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I would like to state again, as I did a few moments ago, that we are going to hear, evidently today, about the desire of some to delay action on this important measure. And I just restate that the American people have waited and waited. And this bill has been a long time in the making.

I yield 6 minutes to the distinguished gentleman from Massachusetts (Mr. CAPUANO), the chairman of the Special Task Force on Ethics Enforcement.

Mr. CAPUANO. Mr. Speaker, I actually find very little in Mr. DREIER's comments I disagree with. I agree with almost everything he has said, and I commend him for that very thoughtful speech.

Mr. Speaker, before I comment on the specifics, I'd also like to thank the members of the task force, especially Mr. SMITH, who was the ranking member for Republicans. It was a great opportunity to become a friend of another Member. We did disagree in the end, but I found it to be a very thoughtful, fruitful, and enjoyable experience.

I also want to thank other members of the committee: Mr. PRICE, Mr. SCOTT, Ms. MCCOLLUM, Mr. Meehan before he left, Mr. HOBSON, Mr. CAMP, and Mr. TIAHRT. I thought we had some great meetings, and it was a pleasure to me to engage in this endeavor.

I also want to thank the Members of the freshman class of 2006. They're the ones who really kept the pressure on us to try to fix our ethics rules. They came here on the backs of public discontent with our actions, and they have kept our feet to the fire. I thank them for that.

I also want to thank the many people that helped us walk through this. There are many people whom I will list in my extension of remarks at a later time because there are too many of them. I do want to point out one staff member, in particular my own, Christina Tsafoulias, who worked countless hours trying to get through this. I want to thank her publicly for that.

On the specifics, again I think I agree with most everything Mr. DREIER said. This is really all about public trust, but the point that seems to be missed is the public does not trust us on ethics issues at this point. Maybe that's fair. Maybe that's unfair. Maybe it's based on reality. Maybe it's based on perception. But it is a fact. They do not trust us. They don't trust us for many different reasons. As I see it, I can point to two different issues in particular: the perception of the good-ol'-boy network. Now, maybe that's not fair, but it's certainly what our constituents think. They think we are all here protecting each other. They think that we operate beyond closed doors and smoke-filled rooms to make sure that

no bad things get said about our colleagues. I don't think that is true, but that's certainly the perception. When people don't have trust in the system, they don't have trust in us, and I think that's an important thing to address.

The other part of it, as was already pointed out, is transparency, or the lack thereof. That encourages people to think that the good-ol'-boy network is all that we rely on. As far as partisanship, I totally agree. Any system that results in partisanship on ethics matters is unsuccessful. But partisanship has two points: yes, there is partisanship to initiate witch hunts, and that is a concern, I believe, this proposal addresses that by requiring joint appointments and by requiring one Democratic appointment and one Republican appointment to initiate a review. It totally undermines any legitimate concerns about partisanship witch hunts.

But the other side of the coin that nobody here wants to talk about is the potential for partisan stonewalling, which we have suffered in this House in the past where one party simply says, You cannot look at our Member. Period. End of discussion. And if you do, we will remove Members from the Ethics Committee who look at that Member, which has happened in this House, and everybody knows it.

And to think that partisanship is only a one-sided witch hunt is a mistake. Partisanship is also stonewalling. It's also protecting our fellow colleagues who may or may not have done something wrong simply because they come from the same party as we do. That's just as wrong as partisan witch hunts, and I believe this proposal addresses that as well.

I also want to comment on the two proposals that were dropped on us lately. One of them had been in one form or another for a while; but both of them, in their final form, were dropped on us lately. I will simply tell you that, yes, we did look at them; and I have an opinion here which I will submit to the RECORD from the Congressional Research Service and one from the House counsel that states by bringing non-Members into a Member-oriented item to have official votes on matters in this House is likely to be unconstitutional.

Now, I know that some people don't want to hear it, and certainly it won't be definitive until the Supreme Court were ever to act on it, but there is all of these constitutional questions on everything we do. I, for one, am a lawyer. I try to figure out how unconstitutional an issue might be; and if the answer is it's more likely to be unconstitutional than not, I won't do it. If the answer is I think it's constitutional, you try it. If it gets knocked down in court later on, so be it.

So these two proposals, according to two independent agencies we could get direct answers on quickly, believe that it's unconstitutional.

As far as the rule goes, I have had a year's worth of debate, and I would have welcomed anybody to come to any of our meetings and participated at any time they wanted to have the hours-on-hours of discussion. At the same time, this is a pretty simple proposal. I know some people don't like the concept of an independent entity having something to do with our ethics process. I respect that opinion. I disagree with it, but I respect it. It is a fair concern. At the same time, that's what this is.

An up-or-down vote on that, I think, is a fair thing for the American people to let them know how we feel about this concept.

The material I referred to previously I will insert into the RECORD at this point.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 4, 2008.

MEMORANDUM

Subject: Permissibility of Non-Members Being Appointed to a Committee of the House of Representatives.

From: Jack Maskell, Legislative Attorney, American Law Division.

This memorandum responds to requests from congressional offices for a brief overview of the permissibility and constitutionality of allowing the House to appoint non-Members, that is, persons who are not current Members, Delegates, or Resident Commissioner, to a committee of the House of Representatives, with full voting privileges in committee. Although the House of Representatives has extensive authority and discretion concerning its own internal proceedings and rules, the Constitution requires that Members of the House be elected every two years by the people of the several states, and thus a rule which would allow persons who are not elected to the House to carry out the constitutional functions of the House of Representatives through full voting membership on one of its committees would raise constitutional questions.

Each House of Congress generally has broad authority to determine its own internal, procedural rules, and to establish those procedures and internal structures within the body to assist in implementing the institution's constitutional duties. Under Article I, Section 5, cl. 2 of the Constitution, which grants to each House the express authority to ''determine the Rules of its Proceedings * * *,'' the institution of the House, within the framework of express constitutional requirements, has broad discretion concerning its own internal operations and functionings as befits a legislative assembly which is an independent, co-equal branch of government under our tripartite governmental system of separated powers. Under this authority, the courts have traditionally given deference to the explication, application, and definition of internal procedural matters in both Houses of Congress. As noted by the Supreme Court in United States v. Ballin: ''The question, therefore, is as to the validity of this rule, and not what methods the Speaker may of his own motion resort to * * * Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

When there are interpretative and definitional ''gaps'' in language of constitutional provisions, for example, the courts have allowed each House to fill in the details of such constitutional provisions regarding its internal procedures. As noted by the Supreme Court in the case regarding the procedure that the Senate adopted to carry out its constitutional duties to ''try'' impeachment cases: ''As a rule the Constitution speaks in general terms, leaving Congress to deal with subsidiary matters of detail as the public interests and changing conditions may require * * *.'' The Supreme Court in Nixon v. United States, thus deferred to the institution of the Senate in its determination under its own rules of proceeding as to the method that the Senate uses to ''try,'' as required by the Constitution, an impeachment of a federal judge. Specifically, the Court deferred to the judgment of the Senate to use only a small portion of the entire membership of the Senate body, in the form of a committee, to actually hear and take the evidentiary testimony (and then to report to the full Senate which votes to convict or not on the impeachment), since there was a ''textual commitment to a coordinate political department'' of the matter in the Constitution.

The courts have thus recognized the authority of committees, and have allowed the committees broad investigative and oversight authority, for example, because committees of the House act as the House for those purposes that are expressly delegated to those committees by the Rules of the House (and have only those authorities and powers that are in fact delegated from the full institution). The Supreme Court has recognized the House's ''utilization of its committees'' to carry out a ''legislative function belonging to it under the Constitution.'' Since the committees act as and on behalf of the House pursuant to its Rules, are creatures of the House, and are in legal and actual essence a division or sub-entity of the entire institution (carrying out and exercising the constitutional functions of that institution delegated to them), there is a very strong indication that such committees exercising such functions may generally be composed only of Members of the House.

Article I, Section 2 of the Constitution provides that Members of the House must be elected every two years by the people of the several States. Membership in the House, and by extension on committees acting for the House, would thus appear to require that a Member be elected by the people of the several states. In a brief review of legal sources, we have not discovered any precedent where non-Members of the House have been members of a House committee with full privileges and votes similar to any Member of the House, and thus we have found no judicial decisions and rulings on its permissibility, other than in the case of the elected delegates or resident commissioners in the House. In Michel v. Anderson, the United States Court of Appeals, District of Columbia Circuit, found that there exists what one might describe as an ''historical exception'' to the general constitutional proposition that the House must only be made up of Members elected from the several states, and that exception, recognized in law from the

very first Congress (1 Stat. 50, 52 (1789)), was that people in territories and districts under the jurisdiction of the United States could have a non-voting delegate or commissioner in the House (that is, that such delegate may not vote on legislation on the floor) to ''represent'' them: ''The territorial delegates, representing those persons in geographic areas not admitted as states, then, always have been perceived as would-be congressmen who could be authorized to take part in the internal affairs of the House without being thought to encroach on the privileges of membership.''

Such non-voting representatives, in the form of elected delegates from the territories and districts not admitted as states, have in practice sat on House committees, and could, according to the court, if authorized by the House, vote in the ''Committee of the Whole'' (but only if their vote was not the determinative vote), but could not vote on legislation on the floor.

However, the court in Michel v. Anderson expressly noted that this historical exception for territorial delegates was limited, and noted, in dicta, that such exception and permission for territorial delegates to participate in certain internal matters in the House could not be extended or applied to allow the House to adopt a rule putting other non-Members on House committees: ''The appellees, for their part, forthrightly concede that the House could not permit persons other than the traditional delegates to perform the role currently played by the delegates. It would, thus, not be open to the House to authorize by rule, say, the mayors of the 100 largest cities to serve and vote on House committees.''

In the case of allowing persons not elected as Members of the House to be full voting members of a committee of the House, such as in certain proposals concerning the House Committee on Standards of Official Conduct, the precedent of allowing territorial delegates to participate in certain internal processes of the House, including voting in committee, may be distinguished on three basic grounds. First, there is historical precedent recognized from the first Congress for the people of territories and districts, not recognized as states, to have some limited, nonvoting representation in the House. In the proposals seeking to add non-Members to the standing House Committee on Standards of Official Conduct, no such purpose of representation of persons in geographic regions under the jurisdiction of the United States is provided, intended, or accomplished. Secondly, as discussed above, the court noted in its opinion that this historical permission for territorial delegates, provided by law, to participate in certain House proceedings, was a limited exception, and would not open the House to ''authorize by rule'' the addition of other persons (such as mayors of cities) ''to serve and vote on House committees.'' Finally, the court noted that the voting of a territorial delegate, even in a House committee or in the ''Committee of the Whole'' (with the revote provision), is ''largely symbolic'' because the vote could not immediately affect legislation, such as a vote on legislation on the House floor would. The duties and authority of the House Committee on Standards of Official Conduct to both recommend the discipline of a Member directly to the House, and to issue a ''letter of reproval'' on its own accord, upon the requisite number of the votes of its members, may be seen as part of the express constitutional authority of the House under Article I, Section 5, cl. 2, to ''punish its Members for disorderly Behaviour.'' As such, these activities might be considered part of the direct and express constitutional function of the House, delegated to and exercised in some part by one of its committees made up of its own Members, and thus something more than merely the ''symbolic act'' which was the subject of the Michel v. Anderson case.

A committee of the House, such as the House Committee on Standards of Official Conduct, could clearly employ staff to assist the committee in carrying out its functions, and could use an ''outside counsel,'' an advisory committee, or ''task force'' made up of non-Members (and even including on its membership some sitting House Members) to assist the committee in its investigative work, fact-finding, and even recommending to the Committee that it take certain action on matters. However, it may be argued that under existing decisions and precedent, allowing persons who are not elected as Members (or as delegates representing persons under the jurisdiction of the United States in geographic regions that are not states) to be full voting members of a House committee exercising the constitutional functions of the House delegated to it could, in the words of the U.S. Court of Appeals, ''encroach on the privileges of membership.''

JACK MASKELL
Legislative Attorney.

From: John Filamor.
Sent: March 5, 2008.
To: Christina Tsafoulias
Subject: H. Res. 1003

CHRISTINA: You asked whether H. Res. 1003 (110th Cong.)—which would, among other things, alter the House Rules to give four former Members of the House voting rights on the Committee on Standards of Official Conduct—raises any constitutional concerns. While we cannot give you a definitive answer as to the constitutionality of H. Res. 1003, the proposal to vest former Members of the House with full voting rights on a standing committee of the House that is responsible in the first instance for carrying out the authority vested in the House by article I, section 5, clause 2—the Discipline Clause—certainly raises very substantial constitutional questions for all the reasons set forth in Jack Maskell's March 4, 2008 memorandum (''Permissibility of Non-Members Being Appointed to a Committee of the House of Representatives'') We think those constitutional questions are heightened somewhat by the fact the Standards Committee has, in addition to its authority to investigate and recommend disciplinary action to the full House, the authority under current committee rule 24(c) to, on its own, issue a ''Letter of Reproval or take other appropriate committee action.'' However, we do not believe that the elimination of that particular authority from committee rule 24(c) would eliminate the constitutional questions that H. Res. 1003 raises. Mr. Maskell notes in his memo that ''[s]ince the committees act as and on behalf of the House pursuant to its Rules . . . there is a very strong indication that such committees exercising such functions may generally be composed only of Members of the House.''

JOHN FILAMOR,
Office of the General Counsel,
House of Representatives.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to a hard-working member of this so-called bipartisan task force on ethics reform, my friend from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. Mr. Speaker, I rise in strong opposition to the Democrats' flawed ethics proposal. This bill would actually weaken ethics enforcement in the House by adding an unnecessary and even unconstitutional layer of bureaucracy to an already failing ethics process.

During our work on the special task force on ethics enforcement, Republican Members consistently voiced our opposition to creating an ineffective, redundant, and duplicative committee. The Constitution explicitly states that the House is solely responsible for punishing its Members for disorderly behavior. Creating an Office of Congressional Ethics calls into question our constitutional duties to discipline our own Members.

Let me take a minute to point out some of the absurd provisions in the Democrat proposals.

□ 1945

First, board members of the so-called Office of Congressional Ethics would be appointed to 4-year terms, yet the House reassembles itself every 2 years and must renew its internal rules on a biennial basis.

Second, reviews by the board would advance on tie votes. This is undemocratic and runs contrary to our entire system of majority government.

Third, when board reviews are concluded, the findings are referred to the Ethics Committee for further action. This puts us right back to the failed system in which we find ourselves today.

Quite frankly, the most glaring failure of the Democrats' proposal is that it does nothing to address the problems inherent to the Ethics Committee. Rather than adding a layer of bureaucracy, ethics reform should address the problems plaguing the Ethics Committee. I support measures that reform the Ethics Committee by creating greater bipartisanship, transparency, and accountability in the investigations process.

We should require that all Members appointed to the Ethics Committee be chosen jointly by the Speaker and minority leader to end partisan gridlock. We should also mandate monthly status reports by the committee on pending investigations. The Republican proposal would implement these and other important changes, but the Rules Committee blocked consideration of our proposals.

My fellow Members, we must reform the House ethics process and restore a sense of public confidence and accountability in this institution. The Democrats' bill does neither. I hope you will join me in voting down this flawed partisan proposal.

Ms. SUTTON. Mr. Speaker, at this time, it is my pleasure to yield 2 minutes to the distinguished gentleman, my colleague from Ohio (Mr. SPACE).

Mr. SPACE. I thank my colleague from Ohio for yielding time.

I would like to thank my colleague from Massachusetts (Mr. CAPUANO) for his diligent work under very difficult circumstances for months on end. It was difficult for Mr. CAPUANO because many Members of this House did not believe that this resolution is necessary, despite what Mr. CAPUANO has referred to tonight as a problem with

public perception and a lack of transparency. The Members of this House, many of them, still do not get it.

Our current ethics process is filled with flaws: the conflicts of interest exist; only Members can file complaints; the public is left in the dark regarding investigations. We haven't been very good at policing ourselves. This resolution is necessary because, as Mr. CAPUANO mentions, the American public has lost faith in the institution of Congress, and we ignore that loss of faith at our own peril.

I come from one of those districts that has been referenced as one that sent a freshman here on the backs of public discontent. The people that I represent back in Ohio's 18th understand all too well the perils of public betrayal.

We have an obligation to restore the public trust. We started that last January with ethics legislation that helped sever the link between lobbyists and legislators. We need to continue with that movement today by looking at ourselves, by looking inward and creating a system that is nonpartisan, but is independent, and that will vet, initiate, and conduct investigations. This resolution does that. It represents a good start. I am proud to have worked on it with my fellow freshman colleagues, Mr. HODES as well as Mr. MURPHY, who will be offering support today, as well as many others.

Quite simply, Mr. Speaker, the public is fed up with the status quo. They want Members who break the rules to be investigated and brought to justice. My esteemed colleague from California today referenced that none of what we do matters if we do not have the trust of the public. This resolution helps restore that trust. I urge its support.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 4 minutes to my friend from Pasco, the former chairman of the Committee on Standards of Official Conduct, the present ranking member, Mr. HASTINGS.

Mr. HASTINGS of Washington. I thank my friend from California for yielding.

Mr. Speaker, while I am constrained by confidentiality rules in speaking about the current work and past actions of the Ethics Committee, I want to clearly state today that I believe the current rules and structure of the ethics process should and need to be improved.

The procedures of the Ethics Committee are not perfect, and I firmly believe this House should make modifications to those procedures to better protect the integrity of the House and the faith of the American people. However, Mr. Speaker, this House must act carefully and deliberately in making any improvements, and it must be done in a bipartisan way. Mr. Speaker, that is not happening.

No consideration of a bipartisan reform proposal is permitted on the floor tonight. The House floor is shut down to any debate. No alternative is allowed to be considered. No amendment may be offered. No respect, Mr. Speaker, is offered to the concerns expressed by both Democrat and Republican Members of this House.

Mr. Speaker, in 2005, at the beginning of the 109th Congress, Democrat leaders decried House rule changes that were written only by Republican leaders. Democrats demanded bipartisanship and a fair say in the rules that governs the ethics of House Members. Democrats weren't given any say then, and those one-way changes to the rules were ultimately reversed during the 109th Congress. It is now 3 years later, and the same Democrat leaders have abandoned their calls for bipartisanship and are refusing to work across the aisle to make bipartisan improvements to the ethics process.

Mr. Speaker, Republicans were wrong to do it in 2005 and Democrats are wrong doing it today. In fact, since the new Democrat majority took office a little over a year ago, this House has already had to go back twice and correct poorly written rules that Democrats passed without any input from Republicans. In both instances, Mr. Speaker, Democrat-written rules that the House had to go back and fix were ethics rules.

The House should learn from the mistakes of the past several years and not doom ourselves to repeat history by failing to insist that ethics changes be done in a bipartisan way. For the ethics process to work, bipartisanship is vital. Without bipartisanship, the process will fail.

Bipartisanship is not always easy, but it is absolutely necessary for the legitimacy of the entire ethics process. Without bipartisanship, the process degenerates into politically motivated actions, or witch hunts.

This proposal is not a good proposal, and no one, Mr. Speaker, is more disappointed than I. Because Members of the Ethics Committee are asked to do an unwelcomed job. We do it by the rules of the House. And by the rules of the House, we must remain silent, even when subjected to relentless and often inaccurate criticism and attacks on our actions.

So, Mr. Speaker, improve the ethics process. Improve the ethics ability to police its Members. Improve our ability to provide timely information to the American people. Improve the bipartisanship that is central to the ability of the ethics process to function. But, Mr. Speaker, for the sake of this institution and for ensuring an ethics process that will function properly, do not act in a partisan way by supporting a proposal written solely by one party. Oppose this proposal and demand bipartisan improvements to the entire ethics process.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut, my freshman colleague, Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Representative SUTTON.

Mr. Speaker, I think we're on the precipice of an historic step forward in restoring the people's faith in this institution, but I understand how difficult this is to talk about. And giving the minority the benefit of the doubt, maybe that's why this House sat idly by for 12 years with no real major reforms to a very broken process.

But it's tough to talk about because it's not just about a broken process, it's about human nature. It's tough to talk about the failure of our ethics process because we're talking about the fallibility of all of us. It is against human nature, frankly, to rat out your friends, to investigate them, to punish your colleagues. And so that's why you can't just change people's perception of this place. You just can't fix the ethics process by tweaking the process that exists now. You have to admit the inherent fallibility of the ability for all of us to police ourselves and give that power to an independent body.

The cat is out of the bag, people figured this out long ago. There are too many Members that have violated the public trust, and they've watched too many other Members sit idly by.

Now, I, frankly, agree with my colleague Representative SPACE that this proposal could have been even a little bit stronger with the addition of subpoena power, but this is a major step forward and we should all support it. There is a generation of young people out there who stand on the precipice of losing all complete faith in government and in this institution. Tonight we have the chance to do right by them by correcting the mistakes of the past.

I thank Mr. CAPUANO and the task force for their hard work here, and I urge passage of the rule.

Mr. DREIER. Mr. Speaker, I'm happy to yield 5 minutes to my very good friend, the gentleman from San Antonio, the Republican leader of this important task force, Mr. SMITH.

Mr. SMITH of Texas. I want to thank my friend from California, the ranking member of the Rules Committee, for yielding me time.

Mr. Speaker, at the outset I want to recognize the dedication and focus that Representative CAPUANO, the chairman of the Ethics Task Force, has demonstrated throughout this process. We know the best of intentions underly his desire and the desire of all Ethics Task Force members to enhance the integrity of the House of Representatives.

While this proposal is marginally improved over the first proposal, it still contains flaws that make it defective. The fundamental flaw of the proposal is that it fails to reform the House Ethics Committee itself. The creation of another ethics entity would be an admission of the failure of the Ethics Committee.

Americans rightly feel the ethics process simply does not work. They do not know when ethics investigations are started; they do not know the status of those investigations, and they do not know whether a partisan deadlock

has resulted in stalling an investigation forever. Americans need this knowledge, and that can only come through reforms to the Ethics Committee itself that will produce more bipartisanship and greater transparency. But the proposal before us simply adds another layer of bureaucracy on top of an already broken system. It creates an entirely new entity that invites yet more partisanship under clearly undemocratic procedures.

This country and the House of Representatives is founded on the principle of rule by majority; yet this proposal allows ethics inquiries to be initiated upon the request of only two out of the six board members. Furthermore, the proposal requires ethics investigations to go forward even when majority support among the board members cannot be obtained. This is undemocratic.

The resolution before us today is different from the original resolution and includes several changes. One amendment to the resolution now provides that the Speaker and minority leader will each nominate three members of the board with the concurrence of the other. Even under such a system, three board members will have been selected by the leader of a partisan political party.

Another amendment would provide that an investigation be terminated unless three board members affirmatively voted to proceed with an investigation. But if one board member nominated by the Speaker and one board member nominated by the minority leader agreed to initiate an investigation, but upon further review either board member decides the matter should be dismissed, the investigation can still proceed with the support of only those board members nominated either by the Speaker or the minority leader.

Not only does this resolution retain the undemocratic nature of the resolution, it also allows investigations to go forward on a purely partisan 3–3 vote. This is an open invitation to a partisan free-for-all. As a recent editorial in Roll Call stated bluntly, ''We don't deny it's a gamble.''

Under this proposal, many Members who deserve better could have their reputations unfairly diminished. A recent editorial in The Hill newspaper entitled ''Leaking Ethics'' focused on this point. It said, ''All it takes is one source to say the Ethics Committee may launch a probe into a Member and that lawmaker's reputation will be forever damaged whether he or she is guilty or innocent.''

Whether this resolution passes or not, Congress will survive. But if it passes, Members should know there is an obvious danger the ethics process will become even more partisan and that innocent Members will be hurt.

I urge my colleagues to oppose the rule on the resolution which invites partisanship, undermines democracy, and poses unacceptable risk.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. HILL).

Mr. HILL. I thank the gentlelady from Ohio for yielding this time.

Mr. Speaker, I rise not to make a recommendation to Members on how to vote on this bill; I rise to remind Members that if they decide to vote this bill down, that does not mean that there is no alternative that they can vote for.

A great deal of talk tonight has been made about bipartisanship, and I think that's very important. We need to have a bipartisan bill, and we had one. I introduced legislation last year that would create a new Ethics Committee consisting of former Members of Congress.

□ 2000

Just a few weeks ago, my good friend from Tennessee (Mr. WAMP) made a similar recommendation with a few differences. His recommendation was to have six members who were former Members and six members who are current Members. I joined with Mr. WAMP, and now we have huge bipartisan support for a concept that merits a vote.

Now, when I campaigned on this particular issue back in 2006, this gained a great deal of support in my district when I outlined the specifics. This is a good bill, and I think if you go back to the Ninth District in Indiana, they will confirm that this is a good bill. And it is a bipartisan bill. Let's for once in this body act in a bipartisan way.

As I said, I make no recommendation as to how you should vote on this bill. But if you decide that you want to defeat this bill, there is an alternative. It is bipartisan. It is substantive, and it has subpoena powers. In many ways this bill is a better bill because it is a stronger bill.

I urge Members to consider what I have said, that there is an alternative out there. It's not the end of the day. The game is not over. The game can go on. We can pass a good bill with bipartisan support.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the distinguished Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, 3 years ago at the beginning of the 109th Congress, the minority leader, today the Speaker, said that the rules of the House should never be changed without bipartisan cooperation. I think that did not mean without a bipartisan meeting. It meant without a bipartisan effort to reach a conclusion that both sides believed would improve the ethics process in the House.

During this Congress, the Ethics Committee has not worked. I don't think anybody is going to rise to debate the other side of that. This outside commission, if it does become part of the rules tonight, through this rule, it would have no vote, no amendment, no alternative. If it does become part of the rules, almost assures that the Ethics Committee will not work for the remainder of this Congress. This new outside group will become the reason to wait. It will take 45 or 60 days to reach agreements on people who can serve, if that can be done that quickly. It will take them another 60 days to get a staff together. Already we're clearly outside the ethics process working in this Congress.

The bill that Mr. HILL just mentioned, the bill that Mr. SMITH just mentioned would both be focused on making the process work and work now. They both would be focused on ensuring that this process does what it's supposed to do.

This rule not only rushes without any real alternative or debate, but also Members were informed today that last November the bipartisan staff of the Ethics Committee asked to evaluate the concepts behind this bill gave reason after reason after reason why they thought those concepts were flawed, concepts that have not been improved by the changes that were made in the last few days. They gave reason after reason after reason why they thought this commission would make the Ethics Committee less likely to be able to do its job effectively. And we still rushed, Mr. Speaker, to try to force this on the Congress when that information, we now know, has been available since November. We got it today.

I think we ought to give the time for the people who work on ethics every day to be able to publicly evaluate this concept.

Ms. SUTTON. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank the gentlewoman for yielding. I also thank Mr. CAPUANO for his leadership on this matter.

Mr. Speaker, I rise in support of this bill and in strong support of accountability and transparency in all public service.

For years the former congressional leadership eroded the faith of the American people through corruption, dishonesty, and abuse of power. I came into office pledging to restore the people's trust; and as stewards of the public trust, we must hold Congress to the highest standard and end the abuses of the past.

This legislation before us is an important step in restoring the trust of the people we serve in this body. It puts ethics violations in the hands of an independent, nonpartisan board; and that is the right way to give the American people the confidence that any corruption will be investigated fairly and thoroughly.

I have also stood with my colleagues Mr. MURPHY of Connecticut and Mr. SPACE of Ohio to cosponsor an amendment that would allow this body to have subpoena power in order to give the board the real teeth an outside investigative body should have. In my

judgment, I would have preferred that the leadership and the Rules Committee had allowed this amendment to reach the floor for consideration. In the fullness of time, I believe we will see the wisdom of giving this new independent ethics body all the tools it needs to investigate alleged violation. However, even without this added power, I will support this bill because the perfect must not be the enemy of the good.

Let there be no mistake, Mr. Speaker. This bill has had bipartisan input, and the bill was even pulled from the floor to make sure that on a bipartisan basis suggestions for improvement were heard, reviewed, and incorporated.

I was sent to Congress by the people of New Hampshire to clean up Washington. This legislation may not go all the way, but it goes a long way towards helping restore trust in the people's House.

Mr. DREIER. Mr. Speaker, I would just say in response to my friend that bipartisan input has, unfortunately, not taken place. The gentleman is totally incorrect.

And to confirm that, Mr. Speaker, I am happy to yield 3 minutes to a hard-working member of the task force, my friend from Goddard, Kansas (Mr. TIAHRT).

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

Mr. TIAHRT. I thank the gentleman from California for yielding.

Mr. Speaker, I was very excited to be part of this ethics task force. And led by the able leadership of Chairman MIKE CAPUANO and Ranking Member LAMAR SMITH, I was very hopeful that we could work in a bipartisan fashion to come up with a good, solid ethics bill.

We held over 30 hearings. We worked very hard. And I believed we were on track until about last August. And sometime during last August, the outside special interest groups got to the Democrat leadership, and this whole effort was derailed.

And what came out of this was terrible and I will just give you one specific example. This whole thing puts all of us in a vulnerable situation, but in this one specific instance there are six members appointed to the Office of Congressional Ethics, the OCE, and there are supposed to be joint appointments with the Speaker of the House and the Minority Leader. But there is a caveat. If you cannot get an agreement, and just hold off for 90 days and get your respective appointee in this position as one of the six members of the OCE.

Now, why should we be concerned that this was hijacked by the outside groups? These outside special interest groups exist to chastise and press charges against Members of Congress. That's how they raise their money. That's why they exist. And they're on both sides of the political spectrum; so all of us are vulnerable. These groups take sides in political battles, and use any scrap of evidence they can find to try to press charges against Members of Congress.

In fact, if you have ever amended your FEC report, there are examples of how they've used that as alleged unethical charges against Members of Congress. And nothing disqualifies these members of outside groups from sitting on the OCE as one of six members.

So we're all vulnerable by these politically motivated people being incorporated into this whole process to make sure that all of us have a chance to face charges, whether justified or not.

Now, just think of your worst critic. They're out there in the blogs. They're in the call-in for your newspapers. These are the types of folks that you will be confronted with if we allow these outside groups to inject themselves in this process.

And how will you respond? Well, the first thing you will have to do is go out and hire a lawyer, and those lawyers are about $1,000 an hour; and a minimum investigation, even when you're innocent, is going to a quarter of a million dollars. Now, some people don't mind that. Some have plenty of money to burn. But I think a majority of Members here in this Congress realize that even a false charge can bankrupt them and force them into a position where they have no financial substance. That will happen in this ethics bill.

This is just the tip of the iceberg of how this process got hijacked and how this ethics bill is not fair to Members of Congress. It's unconstitutional. And I think this rule ought to be defeated. And if you have a single ounce of self-preservation, you will vote ''no'' for this rule and vote ''no'' against this unconstitutional bill.

Mr. Speaker, rise today with reluctance and regret that I am unable to support the House rule change before us today.

Exactly 12 months ago I was both honored and excited to receive the appointment from my leader to serve on the Speaker's Special Task Force on Ethics Enforcement. At the time, like my Republican colleagues, I was excited about the possibility of forging together a bipartisan piece of legislation that would address the fundamental issues that are currently plaguing our ethics system in Congress. Under the capable and civil leadership of Chairman MIKE CAPUANO and Ranking Member LAMAR SMITH, I was hopeful of what we could achieve.

For the past 13 years I have observed the House ethics process and came to the conclusion early on that our system was not transparent enough, not efficient enough, and simply not effective. In a word, our system was broken. Sadly, today, I am forced to accept that the Speaker's Task Force has failed its mission and has produced a partisan, undemocratic, and unconstitutional bill that I am convinced will only compound our current problems—and further frustrate the wishes of the American people for this House to clean up its act.

While the Democrat proposal is flawed in several substantial ways, its biggest and most glaring failure is that it turns a democratic ethics process into an undemocratic and partisan one where justice can be easily denied. Under the proposal before us today, an investigation can he initiated by the action of only two of the six members of the new independent Office of Congressional Ethics, OCE.

The legislation also mandates that names of the two members remain secret and kept from the American public and the accused Member of Congress. An earlier version of this legislation required a majority vote of the new committee before proceeding to a second-phase review of the pending matter. However, under the version we are debating today, a full-fledged review and investigation may occur without a majority vote of the OCE. This proposal jettisons the basic and fundamental right of democracy and fair play.

Mr. Speaker, in addition to being undemocratic, this proposal also contains several provisions which are most likely unconstitutional and therefore unenforceable. The most egregious provision is the creation of the OCE.

In its 200+ years of existence, Congress has never seriously contemplated handing over one of its most important responsibilities—that of regulating and disciplining its own Members—to an outside entity that is unaccountable to the American people unlike elected Members of Congress.

The legislation before us today would do just that. However, instead of abdicating our constitutional responsibility as specified in article I, section 5 of the United States Constitution, I propose that our task force goes back to work—and finds a solution which bridges our partisan differences while adhering to our constitutional obligations.

Our Ethics Committee is broken—so why not focus on and fix the problem instead of creating a whole new set of problems that will only serve to further undermine our ethics process? If Members of Congress are truly interested in repairing our ethics process—if Members of Congress are truly committed to restoring honor and integrity to this House—it's essential that we come together in a bipartisan spirit and develop a package that both sides can agree upon and support. Unfortunately, today's legislation falls way short of hitting that mark.

Mr. Speaker, in addition to abolishing basic rights of democracy and fair play—this proposal promises to undermine ongoing Ethic's Committee investigations and will likely impede Department of Justice investigations. In just one example, this legislation imposes an unreasonable period of time to investigate unethical conduct.

Quick and incomplete investigations can lead to unjust results—including charging the innocent and letting the guilty off free. It's imperative that our processes of maintaining the highest standards of ethical behavior supports and complements the House Ethic's Committee—regrettably, this bill will only undermine its ability to do its job.

On September 26, 2007, David H. Laufman, a former Investigative Counsel for the House Ethics Committee from 1996–2000 and a former federal prosecutor opined the following in Roll Call:

''[T]he creation of an outside ethics panel will not solve the core problems that currently afflict the House. Real ethics reform

in the House begins with willingness on the part of both party leaderships to refrain from political intervention in the ethics process and give the ethics committee the independent, professional resources it needs to do its work. . . . Creating an outside panel, moreover, would simply create another layer of ethics bureaucracy that further slows down a process already characterized by sluggishness.''

At this time I would like to submit Mr. Laufman's entire Op-Ed into the RECORD.

Mr. Speaker, instead of maintaining and fostering the cause of justice and ethical behavior in Congress, this piece of legislation may actually thwart the efforts of the Ethics Committee and Justice Department to investigate unethical behavior and punish Members appropriately. Again, if the Ethics Committee is broken lets fix or replace it—but why in the world would we want to ignore the problem by creating an additional layer of legislative red-tape—which will only serve to work against the purposes of the Ethics Committee—instead of enhancing its ability to get its job done fairly and expeditiously.

Mr. Speaker, it was an honor to serve on this Task Force and work with my 7 distinguished colleagues. Over the past 12 months I participated in over 30 hearings, listening to testimony from a wide variety of interests on this important matter before us today.

While various organizations expressed their support for the concept of creating an independent body—and their endorsements have been promoted today in this debate—it would be unfair to not recognize that several witnesses expressed their misgivings and concerns with the direction this legislation would take the House ethics process. Witnesses I suggest were more qualified then others to testify to the pros and cons of creating a new independent body.

Last March the task force met in private with former Congressmen Bob Livingston, R–LA, and Louis Stokes, D–OH, regarding their experiences from serving as cochairs of the last House Ethics Task Force in 1997. Both men had served on the House Ethics Committee and were highly esteemed by their colleagues. Congressman Stokes was a former chairman of the House Ethics Committee and shared the following statement with our task force members:

I strongly believe the current Ethics Committee structure should be preserved. I think Congress has a constitutional obligation to police its members. The mechanism exists to hire outside counsel whenever necessary, as the Committee did in the Abscam cases and also in the sex and drug investigations. In both cases the House received accolades for its work. A dangerous aspect of investigations by either a House Committee or an outside panel is interference with Justice Department investigations.

At this time I would like to submit Mr. Stokes entire written statement into the RECORD.

Mr. Speaker, I would like to raise one additional point that warrants discussion. Regardless of the outcome of today's vote, I believe it is important that this House give serious consideration to providing attorney's fees for Members of Congress that may become the subject of an OCE or Ethics Committee review in the future—but are subsequently cleared of any baseless charges. Under the OCE structure set up in this rule, it will be very easy for any two members to initiate an investigation—for any reason—without any real evidence—which in turn will force any discerning Member to hire a DC attorney to make sure their rights are protected and their name is not damaged in the process.

Colleagues do not be fooled—this will become inevitable if this rule is enacted today.

I want to thank Chairman CAPUANO for highlighting the issue of attorney's fees in his Report and also commend him again for his leadership and hard work with the task force. While I am unable to support its outcome today, I know that every member of the task force is sincere in their desire and efforts to help fix what's wrong with our current ethics process. Unfortunately, today's rule change falls way short of our goal.

Mr. Speaker, let me acknowledge that we started out on a great glide path of bipartisanship—but eventually the Democrat leadership was influenced by various outside organizations that refused to accept any compromise that involved maintaining the current democratic rules of justice and fair play. For example, the task force members—both Democrat and Republican—had agreed in principal to allow outside entities the right to submit ethics complaints to the OCE.

In fact, this provision was requested by these various organizations and highly promoted as a vehicle to bring much needed credibility to the current ethics process. And, while I had some reservations about it I was willing to support this provision.

Unfortunately, these same organizations were not willing to be subjected to the same level of scrutiny and transparency they wished to impose upon Members of Congress—namely the disclosure of their largest donors who may or may not have an ax to grind with a Member of Congress. One official quoted in an article on the issue stated: ''you can. imagine how upsetting this [provision] is to the donor community.''

Indeed.

And that was the end of that.

In closing Mr. Speaker, let me also thank Ranking Member LAMAR SMITH for his leadership, experience, expertise, and tireless efforts that he brought to this important effort.

Let me also thank the capable staff that assisted us throughout this process, including: Paul Taylor, Chief Republican Counsel to the House Judiciary Subcommittee on the Constitution; Ed Cassidy, Senior Advisor and Floor Assistant to the Republican Leader, and my Chief of Staff, Jeff Kahrs.

Before I end I can't help but note the irony in spending well over 100 hours of my time hearing testimony and discussing the significant ramifications of each provision within this legislation—the most sweeping ethics legislation in over 10 years—and the Democrat leadership decision to bring this bill to the floor—under the cover of darkness—and under a closed partisan rule which only allows 30 minutes of debate on each side—that's less than 30 seconds for each Member of this House to be heard on this topic.

Mr. Speaker, I hope that Members will not be fooled by the lack of an open and full debate on this important issue. I strongly oppose this rule change and respectfully urge all Members—Democrats and Republicans—to reject this proposal. It's time for the Ethics Task Force to get back to work and find a bipartisan solution to our failed ethics process that is supported by a majority of both Republican and Democrat Members. Anything less then a bipartisan solution will result in partisan failure.

[From Roll Call, Sept. 26, 2007]

OUTSIDE PANEL WON'T RESOLVE CORE ETHICS PROBLEMS

(By David H. Laufman)

Now that President Bush has signed into law S. 1, the Honest Leadership and Open Government Act of 2007, it is fair to ask what sort of enforcement regime for the new rules Members of Congress can expect from the Senate Ethics Committee and the House Committee on Standards of Official Conduct, also known as the House ethics committee. As in so much of life, the answer is: It depends.

The Senate Ethics Committee has long functioned quietly and methodically to evaluate ethics complaints and allegations of misconduct in a professional, nonpartisan manner. That track record reflects the relative collegiality of the Senate and the inclination of the respective party leaderships to leave ethics matters ''to the professionals'' for sorting out. There is every reason to expect that the Senate committee will bring the same balanced enforcement to the new rules that has characterized its operations in the past.

The House ethics committee, however, is a different matter. Although the committee has undertaken some tough investigations in recent years—most notably, its inquiries regarding former Majority Leader Tom DeLay (R–Texas) and former Rep. Bud Shuster (R–Pa.)—it has been cleaved by partisan turmoil and deadlock for much of the period since the conclusion of the cases against former Speaker Newt Gingrich (R–Ga.) in 1997. The nadir of this devolution occurred in 2005, when two seasoned attorneys on the committee's nonpartisan staff were fired in apparent retribution for their work on the DeLay investigation, and two committee members believed to be ''politically unreliable'' by their party leadership were summarily jettisoned.

Now, there is potential for even further disequilibrium in the House ethics process. At issue is the pending determination by the Special Task Force on Ethics Enforcement as to whether an outside panel should be established to conduct preliminary review of ethics complaints and make recommendations to the House ethics committee on whether investigative action should be undertaken.

As a former investigative counsel to the House ethics committee who investigated both Democrats and Republicans—and as a former federal prosecutor—I fully appreciate the importance of conducting thorough, independent investigations. I also appreciate that the establishment of an outside ethics panel might enhance public confidence in the integrity of the House ethics process. But the creation of an outside ethics panel will not solve the core problems that currently affect the House.

Real ethics reform in the House begins with a willingness on the part of both party leaderships to refrain from political intervention in the ethics process and give the ethics committee the independent, professional resources it needs to do its work. All the new ethics laws and rules in the world will amount to nothing unless the party leadership on both sides refrain from politicizing the ethics process, the committee members ultimately charged with implementing them are committed to consistent, nonpartisan enforcement, and committee members do not have to worry about retaliation from their party leadership or fellow members.

Establishing an outside ethics panel also would constitute a historic abdication of the House's constitutional responsibility for self-regulation. Article I, Section 5, Clause 2 of the U.S. Constitution states that ''Each House [of Congress] may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and with the Concurrence of two thirds, expel a Member.'' Although the drafters of the Constitution chose the permissive ''may'' rather than ''shall,'' it is clear that they intended to create a system of peer review where Members of Congress shoulder the responsibility for weighing allegations of other Members' misconduct. The establishment of an outside panel to evaluate ethics complaints would be an unprecedented deviation from more than 200 years of self-regulation. Moreover, it would be tantamount to an admission that the House is now unable to fully govern itself and needs protection against its own improper impulses.

Nor, if established, would an outside panel likely improve the House ethics process. First, none of the publicly reported proposals under consideration to establish an outside panel divests the House ethics committee of ultimate decision-making discretion as to whether ethics violations occurred or what sanctions to impose if a violation is found. Creating an outside panel, moreover, would simply create another layer of ethics bureaucracy that further slows down a process already characterized by sluggishness. Second, making informed assessments of allegations of misconduct requires more than the mere application of law or rules to facts: It also requires a nuanced understanding of the institutional context in which the alleged misconduct occurred. Arguably, the need for such a nuanced understanding is particularly great in the case of a political institution that has its own unique cultural attributes. It is possible that retired Members of Congress could bring the necessary perspective to bear if appointed to an outside ethics panel. It is less likely that retired jurists, academicians or individuals from other professions would be equally capable of making the necessary contextual judgments.

That the committee would retain autonomy to reject the recommendations of an outside panel ignores political realities surrounding ethics scandals. If, for example, the outside panel recommended that the committee initiate an investigation—a recommendation that almost certainly would become publicly known—the pressure on the committee from interest groups and the news media to accept the panel's recommendation would be formidable.

Clause 1 of House Rule 23, which comprises the Code of Official Conduct, states that ''A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.'' The special task force would bring credit on the House by rejecting the idea of an outside ethics panel and recommitting the House to ethics enforcement marked by bipartisanship and consensus.

CONGRESSMAN LOUIS STOKES' STATEMENT ON ETHICS REFORM

I strongly believe the current Ethics Committee structure should be preserved. I think Congress has a constitutional obligation to police its members. The mechanism exists to hire outside council whenever necessary, as the Committee did in the Abscam cases and also in the sex and drug investigations. In both cases the House received accolades for its work. A dangerous aspect of investigations by either a House Committee or an outside panel is interference with Justice Department investigations. I think this danger may be better contained by a House Committee. Also, the House has a great educational process for members along with an approval process to keep members from going astray. Neither a House Committee nor an outside Panel or Commission can stop a member who uses his position in Congress to obtain a Rolls Royce, a yacht, a million dollar home, and other illegal gifts. The current system worked when I had men like Floyd Spence and Jim Hansen as my ranking member because we approached the business of the Committee on a bi-partisan basis. We handled the tough cases and never had a dissenting vote.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I'm sorry, the time is incorrect. The time is 2 minutes.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. POMEROY). The gentlewoman from Ohio is controlling the time. She has yielded 1 minute to the gentleman from Hawaii.

MOTION TO ADJOURN

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. LAHOOD. 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 177, nays 196, answered ''present'' 1, not voting 55, as follows:

[Roll No. 120]

YEAS—177

Abercrombie
Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Fallin
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—196

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Cleaver
Clyburn
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kennedy
Kildee
Kind
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Sutton
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)

Wasserman Schultz	Waxman	Wexler
Watson	Weiner	
	Welch (VT)	

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—55

Alexander	Gutierrez	Rangel
Bachus	Hinchey	Renzi
Boucher	Hoekstra	Rogers (KY)
Butterfield	Hooley	Ros-Lehtinen
Capito	Jones (OH)	Rush
Clay	Kilpatrick	Solis
Costa	Klein (FL)	Stark
Culberson	Lewis (GA)	Tancredo
Davis (AL)	Lewis (KY)	Thompson (MS)
DeLauro	McCaul (TX)	Udall (CO)
Dingell	McCrery	Walsh (NY)
Emerson	Miller (NC)	Waters
Everett	Miller, George	Watt
Feeney	Mitchell	Wilson (OH)
Franks (AZ)	Oberstar	Woolsey
Gingrey	Peterson (MN)	Wynn
Gohmert	Peterson (PA)	Yarmuth
Graves	Pryce (OH)	
Grijalva	Radanovich	

□ 2040

Ms. BERKLEY and Ms. WATSON and Messrs. BERMAN, MARSHALL, MCCOTTER, DELAHUNT, MORAN of Virginia and VISCLOSKY changed their vote from ''yea'' to ''nay.''

Mrs. WILSON of New Mexico, Mrs. CUBIN and Mrs. BONO MACK and Messrs. BARTLETT of Maryland, GILCHREST, GOODE, ADERHOLT, CALVERT, SAXTON, GALLEGLY, DEAL of Georgia, BRADY of Texas, MANZULLO, FOSSELLA, BUYER, WALDEN of Oregon, KELLER of Florida, ISSA, SESSIONS, PUTNAM, BURGESS, BARRETT of South Carolina, DAVIS of Kentucky, GARRETT of New Jersey, INGLIS of South Carolina, LOBIONDO, LATOURETTE, PORTER, WHITFIELD of Kentucky, STEARNS, MICA, HALL of Texas, WOLF, BILBRAY and BROWN of South Carolina changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS—Continued

The SPEAKER pro tempore. The Chair understands that the gentleman from Hawaii has been yielded 1 minute from the gentlewoman from Ohio.

The gentleman is recognized for 1 minute.

Mr. ABERCROMBIE. Mr. Speaker, may I ask the gentlewoman whether she would yield an additional minute.

Ms. SUTTON. Mr. Speaker, if the gentleman needs an additional minute, I am going to give him mine.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 2 minutes.

Mr. ABERCROMBIE. Thank you.

Mr. Speaker, we have got a new grand jury in the House, the Office of Congressional Ethics, and we have the House Ethics Committee. We have two identical, competing committees by design. Now, I defy anybody in this House to go to your next Rotary Club meeting and try to explain what that is all about.

Any referral to the Office of Congressional Ethics will be seen as tantamount to a guilty verdict. Any other conclusion by the House Ethics Committee will be seen as a coverup. Mark my words, that is exactly what is going to happen.

This is about ethics, not criminal prosecution. I have heard words like ''corruption'' used around here as if we are some sinkhole of depravity. If a criminal matter is at issue, it should be in the hands of the Federal Attorney, not appointees of the Speaker or the majority leader.

I can't figure out where the ethics complaints come from. Are they dropped off at the door? What criteria will be applied by the OCE? This is about the House, and its membership should decide whether any Member has failed to meet its standards, not appointees who have not served or are not currently Members of the House.

An ethics investigation is by definition peer review. Any appointee to the Office of Congressional Ethics who has not served in the House has no credibility in terms of judging Members or the conduct of House standards.

And does anybody believe that complaints won't be in the media immediately, regardless of validity? The press irritation with the House Ethics Committee is because it has actually practiced confidentiality.

This is an invitation to ideological mischief and character assassination. We say this is about our ability to police ourselves. The effect will be just the opposite. The House Ethics Committee no longer has any discernable function other than to affirm whatever has been referred to it.

All this makes me sad, and it makes me angry. I have devoted every bit of energy in my life for nine terms to this House. I revere the opportunity for service in the people's House. With this proposal we are indicting ourselves. We are retreating before those who would tear this House down.

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

Mr. DREIER. Mr. Speaker, I would like to yield my friend an additional minute.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for an additional minute.

Mr. ABERCROMBIE. We are retreating before those who would tear this House down, who denigrate our commitment and make us out to be little more than crooks and knaves and hustlers.

We are the guardians of the Nation's liberty. We are the defenders of its constitutional imperatives. We are the people's House. We should be proud to stand up for this House, its institution and its legacy. Instead, we cringe before our critics and turn over our obligation to govern ourselves to others.

If we have no respect for ourselves, how can we expect it from anybody else? I have faith and trust in my constituents. I have faith and trust in you, my colleagues of the House. We need to have faith and trust in each other.

The regard and affection I have for every Member of this House is deep and abiding, the affection I started when I was the last man to be sworn in by Tip O'Neill before he retired when Bob Michel was here. In that spirit, I love the House of Representatives. It defines my life. It should define yours.

This proposal is not worthy of the House and our responsibility to it. Turn it down.

□ 2045

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I take a back seat to no one in this House on loving this institution.

The issue, my friends, is not whether we have respect for one another. Too often, it is demonstrable on this floor that we don't.

The issue is, Will the American people have respect for us? That is the issue. That is the critical issue that confronts us this evening. Not because any of us are pointing fingers at anybody else in this House.

But unless you were sound asleep prior to the last election, unless you were living in another country in another land in another time, you know what the people thought about this, the people's House that we love. That, my friends, is why we are in the majority, because the people thought changes were necessary in this House.

The people asked for change. They asked for accountability. There have been some things said on this House floor that are not accurate. Mr. TIAHRT said that Ms. PELOSI, the Speaker, and Mr. BOEHNER, the minority leader, would make independent appointments to this.

Mr. CAPUANO changed that as a result of the suggestions of these Members. It was a good change because it meant that Mr. BOEHNER and Ms. PELOSI are going to have to agree on six people.

It has been said on this House just now that this replaces the Ethics Committee. It absolutely does not. Does it complement it? I think it does, but it does not replace it. Nor does it substitute its judgment for the Ethics Committee.

The Ethics Committee can continue to operate as it does now and can initiate, it does not need to wait on this committee. It can initiate the defense of the ethics of this House, 435 of us elected by our neighbors and friends. We are all sad when one of us comes short of the expectations of our constituents, as we should, because we know only too well, those of us who have served for significant periods of time in the public's fear, that the acts of each of us is often attributed to the rest of us.

There needs to be a confidence level among the American people in the people's House. How are they going to

have that confidence? I suggest to you that it is my belief, as one who is not for many of the things that the so-called groups are for, who think that it is going to change, it will not change, many times, the substance of what we deal with.

I happen to have come to the conclusion that this proposal that Mr. CAPUANO and others have made, and I regret the fact that this is not a bipartisan proposal. One of my best friends in life, not just that served here in this House, is Senator BEN CARDIN. Many of you know how close he and I are. He and Bob Livingston worked on the last major ethics reform together and came together in a bipartisan fashion.

I am one who works in a bipartisan fashion. Ask Bob Ney and the Help America Vote Act. Ask Steve Bartlett on the Americans with Disabilities Act. I believe in operating that way. I wish this were a bipartisan product.

If we had the vote on the Republican alternative, I would vote against it. Why would I vote against it? Because it has within its framework submitting to the Justice Department after 45 days a complaint that the Ethics Committee has not dealt with. I don't think that is appropriate for a violation of the rules. It should be within the bosom of this body. This proposal copies it there.

This does not give subpoena power to people to go on fishing expeditions. It gives to six people, selected jointly by Mr. BOEHNER and Speaker PELOSI, who I hope and believe that they will agree upon people of very high integrity and good common sense. Because when they say, and somebody comes along and says in a press conference, STENY HOYER has violated the rules, none of us can protect ourselves against that. That's the business we are in. We are all targets and we are all vulnerable.

But it is my belief that this body will be composed of the kinds of people that I think Speaker PELOSI and Mr. BOEHNER will appoint, and not Members.

I am a lawyer. I will tell you, the public is not too convinced that lawyers are good at self-regulation. Some of you are doctors. The public is not particularly convinced that doctors are good self-regulators, or CPAs or other professions.

That's what we are talking about. We are talking about to the American public we do act properly, we do keep the faith. We are honest, and we are prepared to answer for our conduct and give confidence to you, the American people, that it is the people's House, not our House, the people's House.

I suggest to you, my friends, that whatever can happen, whatever could happen, whatever scenario you fear can happen right now with the existing process, all this does, it adds a complementary body, hopefully, and I believe, of citizens of very high repute who will, in turn, be able to say to the American public, yes, this group of Americans is honest, hardworking, and serving you well.

Are there, from time to time, exceptions? There are. But let us have the confidence to tell to the American people our conduct is, and we want it to be, above reproach, and we do not fear the oversight and accountability that this proposal suggests. I urge my colleagues, have confidence in those that Mr. BOEHNER and Ms. PELOSI will appoint. Have confidence in yourselves and in your colleagues, and let us this night give confidence to our constituents and the American people.

Vote for this proposal.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining. The gentlewoman from Ohio has 8 minutes remaining.

Mr. DREIER. Mr. Speaker, my friend from Maryland has just advocated vigorously bipartisanship in this process.

I am now happy to yield 2 minutes to the coauthor of a bipartisan proposal, my friend from Chattanooga, Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

Mr. Speaker, I stood right here a few years ago against my party in favor of reform. I got scars on my back from standing for reform. But I heard JOHN TANNER say when I got to Congress that neither party has an exclusive on integrity and ideas, and I believe that is true.

I want to tell you tonight, on the same platform I stood a few years ago when I joined then minority in this reform, there is good reform and there is bad reform. This is bad reform. I don't care what you say about it, how kind you are about it, this is bad reform. It is not good for the institution. It is not workable.

Mr. Speaker, I submit for the RECORD a four-page document by Ken Kellner, the senior counsel for your majority Ethics Committee, explaining all the problems.

REVIEW OF TASK FORCE PROPOSAL

BILL: I looked over the draft resolution forwarded by Rep. Smith. I suggest you review it closely as well. Review of the draft was not to critique the need for or merits of the proposal, but to identify areas in which the proposal would interfere with the operations of the Committee. We cannot anticipate all plausible areas of concern prior to actual implementation, but I did the best I could.

1. The new ''Office'' or ''Board'' is expressly authorized to take up matters on its own initiative and to conduct interviews and obtain testimony in its ''review'' of such matters. See Section 1(c)(1)(A). This raises several concerns, listed below:

As the Committee noted in its earlier feedback to the task force, the interview of witnesses by both the new entity and the Committee might result in conflicting statements that would undermine the value of testimony from that witness.

Statements from witnesses would also likely be obtained prematurely due to the time deadlines imposed on the new entity. Sometimes there are valid investigative reasons not to reveal the existence of an investigation to a witness until other witnesses are interviewed or other evidence obtained. In the course of its proceedings, the new entity might reveal critical evidence or information to key witnesses. The failure of those witnesses to keep this information confidential may be very harmful to the integrity of any future Committee inquiry.

The ''self-initiation'' discretion could undermine current rules that limit complaints to those filed by Members. An agent could provide information to the new entity that would trigger review under its rules. There is no accountability as to the source of information, unlike with respect to ''complainants,'' who must certify that the ''information is submitted in good faith and warrants the review and consideration of the Committee,'' and who must provide a copy of the complaint and all attachments to the respondent. See Committee Rules (d) and (e).

2. The new entity must ''transmit to the individual who is the subject of the second-phase review the written report and findings of the board[.]'' See Section 1(c)(2)(C)(ii). In addition, the report will include ''findings of fact,'' ''a description of any relevant information that it was unable to obtain or witnesses whom it was unable to interview [] and the reasons therefore,'' and a recommendation for the issuance of subpoenas where appropriate.''

It is a bad idea for the Committee's purposes that the ''written report and findings of the board'' be transmitted both to the Committee and to the individual under review. This will provide information to a potential respondent at an inappropriate stage, including alerting the respondent as to witnesses who have been identified as potential recipients of subpoenas. At a minimum, this would provide opportunities for the coordination (or appearance of coordination) of testimony. Potential respondents would also be alerted as to difficulties encountered in obtaining information from certain witnesses. This could discourage negotiated outcomes if a respondent knows that certain individuals are not cooperating witnesses.

This process is not sensitive to the need for confidentiality of witness information at the early stages of an investigation. Members, staff, and private individuals should be able to provide information in confidence, at least at the initial stages. The new rules may have an anti-whistleblower effect and possibly employment ramifications for individuals as well. For example, what if it is revealed that a current employee is providing or refusing to provide information about his or her employing Member? A previous ethics task force was ''mindful'' of the need to ''protect the confidentiality of a witness prior to publicly disclosing'' a statement of alleged violation. Report of the Ethics Reform Task Force on H. Res. 168, 105th Cong., 1st Sess. at 25 (June 17, 1997).

The proposal is also inconsistent with Committee rules and practices that keep investigative information confidential. Under Committee Rule 26(f), evidence gathered by an Investigative Subcommittee that would potentially be used to prove a violation ''shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials . . . shall be made public until'' a Statement of Alleged Violation is made public by the Committee or an adjudicatory hearing is commenced.

There is no rule or precedent in effect for the new entity for dealing with concerns of the Department of Justice in cases of concurrent jurisdiction. As noted, under the proposed process, there is considerable potential for the making of inconsistent statements by witnesses and for the release of confidential information. It this occurs, it could easily undermine active criminal investigations.

The Board may make ''findings of fact'' as part of their submission. This is generally a

function for a trier of fact after an opportunity for a defendant/respondent to cross-examine witnesses or challenge the evidence. What if the findings differ from those reached by the Committee?

3. There appears to be a requirement that the Committee publicly disclose Board submissions to the Committee. See Section 3(2). This would occur if the Committee declines to empanel an Investigative Subcommittee or if one year has passed from the date of the referral from the new entity.

This means that the Committee must release the Board's findings, even if the Committee has already determined to handle the matter non-publicly. This is inconsistent with the discretion now with the Committee (and investigative bodies generally) to exercise judgment as to what matters to address in a non-public fashion. With the possibility of review by the new entity and public disclosure of conduct, there will be greatly reduced incentive for witnesses and investigated parties to cooperate with the Committee or to do so with complete cooperation and candor.

This procedure also may place artificial pressure on an Investigative Subcommittee to complete its work in well less than a year, regardless of the impact on the investigation. While such a time period may be sufficient, neither the Department of Justice nor other law enforcement entities and regulatory bodies, are subject to such limitations as they would generally impact adversely on the completeness of an inquiry.

4. A provision in the proposal provides that the Office will cease its review of a matter on the request of the Committee ''because of the ongoing investigation of such matter by the Committee.'' See Section 1(d).

This rule should be clarified to make clear that it includes informal fact-finding efforts by the Chair and Ranking Member of the Committee. Otherwise, this important rule may only have effect in the unusual case of empanelled subcommittees. New language could be ''because of the ongoing review of this matter by the Committee in accordance with the Committee's rules.'' Section 1(d) and Section 3(3) should be revised.

5. If the new entity ceases such review at the request of the Committee it will ''so notify any individual who is the subject of the review.'' See Section 1(d).

There are valid circumstances under which the Committee would not want to notify an individual that it is undertaking review of a matter until it is ready to do so for valid investigative and privacy reasons. In general, it is not the routine practice of law enforcement entities to notify individuals. Such disclosures could trigger protective behaviors that might undermine an investigation, as well as lead individuals to hire of attorneys (perhaps unnecessarily and at considerable expense). [By analogy, would it be appropriate in all cases to notify a respondent that the Committee has referred evidence of criminal conduct to the Department of Justice? In many cases, it is in the interests of criminal law enforcement that such referrals be made in confidence.]

6. The new entity must adopt a ''rule requiring that there be no ex parte communications between any member of the board and any individual who is the subject of any review by the board.'' See Section 1(c)(2)(E)(iv).

This provision should be revised to prohibit communications from any interested persons and any member of the board, as well as make explicit that ex parte contacts include those made by counsel. A useful provision to examine in considering ex parte prohibitions is the provision contained in Federal Election Commission regulations pertaining to contacts with any Commissioner. See 11 C.F.R. §201.2.

KENNETH E. KELLNER,
Senior Counsel, Committee on Standards of Official Conduct.

They kept a lid on it till today, and the bill is up tonight, and here it is. It is bad reform.

If you think that the steroid and baseball hearings are a distraction over the business of the people of this country, wait until tomorrow when this goes into effect, when outsiders are firing political shots at each other, listening to people back home want us to quit bickering and sniping and firing shots at each other and get these important things done for them.

The gentlelady said she yields the customary time. This is not a customary process. The rule was shut down. There are no substitutes, there is no recommit, there are no alternatives, and there is no consideration of a bipartisan alternative by two people with integrity who have been working together for weeks to have a day to say, no, this is a better approach.

Have former Members, first time ever that outsiders are part of this process, but they are former Members. They have no ax to grind. They will call it like it is. Let's take a logical step.

But let me tell you, if this is based on trying to hold the House, that's a false strategy. When we put our reelection as a majority above the people's business and honor and integrity we lost, and we should have, and you are doing the same thing.

Don't do this, House. It's not good for this country, and it's not good for us.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, a member of the bipartisan Ethics Task Force, Mr. SCOTT.

Mr. SCOTT of Virginia. Mr. Speaker, it is the unfortunate reality that the House of Representatives has seen its share of unethical behavior on the part of public officials elected to represent and serve their constituents. Moreover, this problem is not one confined to Democrats or Republicans. Rather, it is a problem that we all need to recognize and take steps to address.

For these reasons, and with the interest of the American people in mind, we need a fair and just manner to investigate any allegations of unethical behavior by a Member of the House. With this goal in mind, the gentleman from Massachusetts (Mr. CAPUANO) introduced H. Res. 895, and I support his efforts.

H. Res. 895 takes every possible step to ensure equality, fairness, and nonpartisanship in addressing questions of ethics. It establishes a new independent Office of Congressional Ethics within the House of Representatives to be governed by a board that will be comprised of six members jointly appointed by the Speaker of the House and the minority leader.

To further ensure fairness and prevent preferential treatment, current Members of the House of Representatives and lobbyists are not eligible to serve as board members. Moreover, removal of a board member may only occur with the approval of both the Speaker and the House minority leader.

The Office of Congressional Ethics could include former Members of the House, but all of the members of the board would be qualified by virtue of their exceptional public standing. This office has the potential to clean up politics and, in turn, restore the public's faith in politics in the political process.

This has the support of Common Cause, U.S. PIRG, and two very well-respected scholars in government and politics, Thomas Mann of the Brookings Institute and Norm Ornstein of the American Enterprise Institute.

I support H. Res. 895 and urge my colleagues to vote in favor of this reform.

Mr. DREIER. Mr. Speaker, may I inquire of my friend from Ohio how many speakers she has remaining.

Ms. SUTTON. We have several more speakers.

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

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina, a member of the bipartisan Ethics Task Force, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, as a member of the Ethics Task Force, I rise today to support the establishment of the Independent Office of Congressional Ethics for the House of Representatives.

The 110th Congress, under new leadership, has already adopted a comprehensive package of rules, lobbying, and earmark reforms. Today we can take another positive step by creating the Office of Congressional Ethics. The proposal before us is the result of a year-long effort by the Ethics Task Force ably and fairly led by our distinguished colleague, Mr. CAPUANO.

Some have argued tonight that this proposal takes reform too far, others not far enough. I believe that the office would improve on the current ethics enforcement process in two important ways.

First, it will provide a mechanism for a quick and impartial review of potential ethics violations, bypassing the bipartisan conflicts that have bogged down enforcement.

Secondly, it will ensure accountability and transparency by requiring reasonable reporting and public disclosure of the activities of the office and the Ethics Committee.

□ 2100

A number of changes have been made to strengthen the proposal and address Member concerns. The proposal is not perfect, but it is a move in the right direction. I support H. Res. 895, and I urge my colleagues to do so as well.

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

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), a member of the ethics task force.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, the American people deserve elected Members of the House of Representatives who will perform their duties with the highest standards of decorum and ethical conduct.

When a Member of this body fails to follow the rules of the House, violates ethical standards, or brings dishonor upon this House, it is our duty and our responsibility to act. The people we serve expect no less. The ethics process needs improvement, so let us act to ensure the integrity of this House.

I was appointed by Speaker PELOSI to serve as a member of the Special Task Force on Ethics Enforcement, and I would like to commend Chairman CAPUANO for his forthright leadership, his patience, and his respect for this institution. It was also a pleasure working with Ranking Member LAMAR SMITH and all my Democratic and Republican colleagues on the task force.

Today I rise in strong support of this resolution to establish an Office of Congressional Ethics. I commend Speaker PELOSI for her courage to take on this challenge for the well-being of this House.

With the passage of this resolution, we will create an independent Office of Congressional Ethics. This office will be separate from the Ethics Committee. It will have an appointed board comprised of distinguished Americans who are not Members of this House.

This independent board will review ethics complaints and make formal recommendations to the Ethics Committee for dismissal or for further investigation. This resolution leaves the power of all final decisions to the Ethics Committee. The resolution also establishes time lines for the Ethics Committee to act on referred investigations and requires that the committee make public statements about actions or inactions on these matters. I believe that improving this process will benefit the Members and reassure the public that ethics is a priority of this Congress.

Clearly this proposal is not perfect. It is a compromise, and it commences an ongoing effort to ensure that ethics remain at the forefront of this Congress. Even while preparing for floor action, Speaker PELOSI and Chairman CAPUANO made significant changes in order to address this concern.

I support the resolution and urge my colleagues to do so as well.

Mr. DREIER. Mr. Speaker, I say to my friend we have a couple of speakers remaining, and if she has more than that, we will continue to reserve the balance of our time.

Ms. SUTTON. We have two and myself to close.

Mr. DREIER. At this time I am very happy to yield 2 minutes to our hardworking friend from Stillwater, Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, this rule finds a way to create an ethics resolution that could encourage unethical behavior. This rule could create a place where potentially artificially manufactured scandal could be given a show trial by partisan inquisitors for the purpose of creating doubt about the character of Members of this Congress, all under the color of respectability, credibility, and authority.

Mr. Speaker, it is ingenious because partisans remove themselves as the original accusers. Incredibly, after a 90-day period of show trials, the unreformed Ethics Committee in Congress will again take up the case, returning us to where we were before all this started, with no reform.

In effect, the bill creates a bureaucracy of smear and witch hunt. It institutionalizes the politics of personal destruction with a potential of creating show trials with a public expense account.

Mr. Speaker, this is a deeply ironic proposal that instead of combating corruption could reward it, and I urge all Members of this body to vigorously oppose this rule.

Ms. SUTTON. Mr. Speaker, at this time I yield 1 minute to the gentleman from Massachusetts, the chairman of the ethics task force, Mr. CAPUANO.

Mr. CAPUANO. Mr. Speaker, I just want to point out a couple of things that have been said. I think the general attitudes have all been mentioned, but there are a couple of points.

Relative to this memo that came out today dated November 9, just in case people don't notice, the draft didn't come out until December 19. Almost every point made in that memo was addressed in the draft that was submitted December 19. There were a few things we couldn't address because they go to the basic point of whether you can have an independent entity or not. I can list it, and I will list it, but I didn't have time to do it between the time we got it and the time of the debate, but you will have a memo on your desk within the next few days addressing every single point made in that memo that was addressed in the proposal.

As far as bipartisanship, I think people need to know I have a list of at least 10 items that were taken up specifically as Republican proposals, starting with term limits for the OCE board members and joint appointments of the OCE board members. Those are Republican proposals we adopted. There are several others we will go into at a later time.

Finally, people have to understand that this is not something brand new. It might be new to Congress, but more than 25 States already have independent commissions that review their legislators. If it is okay by them, why are you so afraid of it here?

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, bipartisanship is something that everyone has said we need to have as we deal with this issue. The distinguished Speaker, my fellow Californian, Ms. PELOSI, said when she was minority leader that ethics reform must be done in a bipartisan way.

The majority leader, Mr. HOYER, stood in the well when this bill was pulled 2 weeks ago and said he wanted to see this work done in a bipartisan way. Mr. WAMP and Mr. HILL have worked in a bipartisan way. We need to have bipartisanship.

I am going to urge my colleagues to vote ''no'' on the previous question so in fact we can do what the American people want us to do, work in a bipartisan way because the integrity of this institution is absolutely essential if we are going to succeed in governing.

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

Ms. SUTTON. Mr. Speaker, it is my honor to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentlelady from Ohio, Congresswoman SUTTON, for yielding and for managing this very challenging bill this evening with such dignity.

This is an important time for us, my colleagues, because we are sending a message to the American people as to who we are. We know each other to be honorable individuals who come here with the best motivation. Our title ''Representative'' is our job description, to represent the people of our districts. We gain respect for each other as we work on issues across the aisle, across the region, across generations in every way, representing the beautiful diversity of our country.

Unfortunately, the American people do not share our view of ourselves here in the Congress and our reputation has received tarnish. Part of that tarnish came from a culture of corruption that preceded the Democratic takeover of this Congress. When I became Speaker of the House, I said it was necessary to drain the swamp that is Washington, D.C. so that the people will understand that we are here for the people's interest and not the special interests.

And so this legislation that is before us today represents what I believe is necessary for us to convey to the American people what we owe them: our best effort to have this Congress live up to the highest ethical standard.

And I know of what I speak because I had the responsibility to serve on the Ethics Committee for 6 years when we took up some terrible issues. The bank scandal, remember that? Many of you weren't here yet, but it was a horrible time. The Newt Gingrich case, it was a horrible time. During that time, as divided as we were, Democrat and Republican, I would pray at night that something exculpatory would come along, something that would say we don't need to continue this case because there is evidence that these charges are not true. It is hard, it is hard to pass judgment on your colleagues. It is very difficult.

And I say that in the most bipartisan way, and we worked together on that committee in a very bipartisan way during some very difficult times.

After 6 years, I thought my service was over; and I had to spend another year on what Mr. HOYER referenced as the Livingston-Cardin Committee to rewrite the rules. We thought we did a really good job; but, obviously, a review of them some years later said we have to do more.

But that has been the story of ethics in the Congress. Since the Ethics Committee was first created in 1967, the House has set increasingly higher standards of conduct to guide Members because public service is a public trust. As I said, in recent years that trust has been eroded, and we have come here to drain the swamp.

Just last year on the first day of the Congress, the New Direction Congress, the House implemented new and sweeping changes to the gift and travel restrictions. Last September we passed the historic Honest Leadership and Open Government Act, historic lobbying and ethics reform that is now the law of the land.

Today, the New Direction Congress will, for the first time, open the ethics process up to the participation of our fellow citizens, which will make this institution more accountable to the people who sent us here, the American people. I welcome their assistance.

I want to say a word about Mr. CAPUANO. I want to thank him for his service to our country. In recognizing him, I want to recognize the participation of all of the members, Democrats and Republicans, on the task force, for their service to this House; and I believe there was a good-faith effort made to keep this process as bipartisan as possible. And that is the best you can do. If at the end of the day there is not a willingness to make the reforms necessary to restore the confidence of the American people in the Congress of the United States, then you cannot be held back because some do not want to act.

Mr. CAPUANO, I believe, led this effort in a way that was bipartisan and sensitive to the institution's history and traditions. And I must say that I received, early on, compliments from his co-Chair, the Republican co-Chair of the committee, about working with Mr. CAPUANO. He said something like, I am sorry you appointed him because he is very good to work with. That was supposed to be a joke.

In any event, I would like to extend special thanks to him for undertaking this very difficult task, not only in trying to make something that is important work, but also to convince our colleagues that this is the route to take.

Now as I said, I served on the committee under the old rules and I helped write the new rules, and there is always a time to revisit all of it. And there will be a time to revisit these rules as well.

A special thanks to my friend, Mr. DAVID HOBSON, for his work on the task force and for his many years of distinguished service in the Congress. We will miss his thoughtful deliberations and his contributions to our country. Thank you, DAVID HOBSON.

As I mentioned, I served on the Ethics Committee during some very, very difficult times; and I want to extend my deep respect and appreciation to those who serve on this committee now and who have served past and present. Until you have undergone that, until you have undergone that, you cannot really understand how difficult it is. And how happy you are when your term of office ends. But I want to salute them, all of them, past and present, for their important work.

I have deep respect for what Mr. CAPUANO, striving to work in a bipartisan way, has tried to achieve. Adopting the Capuano Task Force recommendations will provide the public and the House with the assurance that credible, credible allegations of wrongdoing will be addressed by the Ethics Committee in a timely fashion. I emphasize the word ''credible'' because I have no doubt that the main target of this, and who do you think the main target of any outside groups to this group will be? You're looking at her. You are looking at her.

But I am willing to take that risk because I also trust, yes, I also trust, my polite colleagues, I also trust that this group will rid itself of frivolous, baseless complaints and send a message to those who would file repeated frivolous complaints that is their price to pay to do this. I consider this a protection.

It will bring an additional measure of transparency to the ethics enforcement process. It creates this transparency, I think it is important to note, without compromising the House's constitutional prerogatives to discipline its Members without interfering with the work of the Ethics Committee and without altering the substantive rules governing the conduct of the committee's deliberations.

I fully realize that bringing non-Members to this enforcement mechanism is not only a step forward; it is a departure. It is a departure from the traditions of the House.

To those who have those concerns, I pledge that I will work closely with my friend, the Republican leader, Mr. BOEHNER, to jointly appoint the members of this new Office of Congressional Ethics, fair men and women who understand the importance of nonpartisan behavior and the compelling need to act fairly to protect the interests of the public, the House, and especially the Members.

□ 2115

Finally, Mr. Speaker, I pledge that the House leadership, and I know I heard, listened with great interest to what Mr. HOYER had to say about this, and thank you, Mr. HOYER, for your extraordinary leadership on making Congress more accountable and live up to a high ethical standard. Our leadership will closely monitor the work of the new Office of Congressional Ethics and continually review all reasonable proposals intended to guarantee the highest ethical conduct and a more transparent and effective ethics process. Whether they relate to the new panel or the Ethics Committee itself, if additional changes are required, we will propose them.

And since I mentioned Mr. HOYER's name, I want to associate myself with one of the remarks he made. I thought it was 30 days. Mr. HOYER said 45 days. But in a very short period of time, according to the proposal that the Republicans are putting forth, in a very short period of time if the Ethics Committee had not disposed of those charges, they would go to the Justice Department. They would go to the Justice Department.

Well, the Ethics Committee is about the rules of the House, about conducting ourselves in a way that brings honor to the House. Many of those issues are not matters for the Justice Department. The Justice Department knows when its jurisdiction should weigh in.

This is about the facts, the rules of the House, and sometimes the law of the land. It's not about hearsay, rumor, suspicion, I thought so, somebody told me. It's about the facts, the rules and the law of the land. That is all that matters. That is all that matters.

I think that this evening this Congress has an opportunity to send a message to the American people, and as we do, each and every one of us does as well. Our votes will speak for themselves. We are willing to take a chance to make a vote on something we might have written differently. And I don't know one bill I've ever voted for that I wouldn't have, something you might have written differently, but something that can strive to remove the doubt that is in the minds of the American people about the integrity of this body.

I hope that you will all join in voting for this. It is worthy of your support. I know that, with my vote, I will be able to say I did everything I could, respecting the work of those who undertook this for practically 1 year to come up with a proposal that was fair, that was effective, and that helped us drain the swamp and say to our bosses, the people who sent us here, we honor you with our service, and we pledge to you that we will always serve in a Congress that upholds the highest ethical standard.

This is an important vote. I urge our colleagues to vote ''aye.'' And I thank Mr. CAPUANO once again for his extraordinary leadership.

Mr. DREIER. Mr. Speaker, we can attain the bipartisanship that the distinguished Speaker and the majority leader would like us to have. We can do so by defeating the previous question so that we can make that in order.

I am happy to yield the balance of our time to my friend from Westchester, Ohio, the distinguished Republican leader, Mr. BOEHNER.

Mr. BOEHNER. My colleagues, rebuilding the bonds of trust between those of us who serve in this institution and the American people should be our highest priority. And I think the American people have every right to expect the highest ethical standards of every Member of this institution, and I think it is our obligation to deliver on that commitment to the American people.

Clearly, the Speaker believes that we need to establish this Office of Congressional Ethics because the Ethics Committee process is broken. Let me say, I agree with her. It is broken. It didn't work under Republican control here for at least the last 5 or 6 years that we had the majority in this House, and the lack of evidence that I've seen over the last 15 months, it's not worked well under the Democratic majority either.

In December of 2006, as the Speaker was waiting to take her position, she and I sat down and we talked about this. I expressed to her at the time my serious reservations about some outside, independent group that was responsible to no one. And I mentioned to the Speaker at the time that I thought that our obligations, as the leaders of this institution, were to stand up to make sure that this process really did work.

I think every Member of this institution wants the Ethics Committee process to work fairly, to work honestly, and to work in a bipartisan fashion, because it is our obligation to the American people and the obligation of each and every one of us, for the future of this institution, to make sure that this process works fairly, honestly, and in a bipartisan way.

I was here in 1991. Some of you were. Most of you weren't. I was standing right on the back wall when I and some of my colleagues had information that we read in USA Today about Members of Congress bouncing 8,300-some-odd checks the year before at the House bank. Some of us wanted to know why or how, what was going on at the House bank. And before we could get to the microphones with our privileged resolution, the Speaker of the House was down here in the well of the House. The majority leader was down here in the well of the House. Even the Republican leader was here in the well of the House, and all three of them basically said the same thing: We didn't do anything wrong, and we won't do it again.

So, for those of you that have concerns about the habits of this institution to sweep these issues under the rug, I saw it, and I've seen it since on both sides of the aisle.

When we will not rise up to meet our responsibility as Members, to judge each other and to hold ourselves to a higher ethical standard, I know that tendency. And for those new Members that are here who want to bring this process and make it more transparent and make it more open, trust me, there's no one who will work more closely with you to make it happen. The Ethics Committee process, again, I'm going to say it again, needs to work fairly, it needs to work honestly, and it needs to work in a bipartisan fashion.

In 2005 and 2006, the then minority leader, Ms. PELOSI, the minority whip, Mr. HOYER, castigated the majority to no end over the issue of, it might have been in 2004 and 2005, over the issue of making changes to the ethics process and the ethics rules in a partisan manner. And I agreed with them. And those changes were later rescinded by a vote in this House.

But over the last 15 months, three times we've had bipartisan, I mean partisan changes to the rules brought to the floor of this House and forced down Members' throats. Three times. Tonight is the fourth time, the fourth time that we've gone down the same path that people decried and decried. And I think all of us on both sides of the aisle know that if this process is going to work fairly and honestly and in a bipartisan manner, it needs to be written in a bipartisan manner. No other way around it.

The members of the task force, MIKE CAPUANO, the gentleman from Massachusetts, the other three Democrat members, LAMAR SMITH and the other three Republican members really did hard work and really tried to come to some agreement. But when you start to create this outside entity, as an excuse, as a way of saying we're doing something, instead of actually fixing the problem, that's where we could never come to an agreement.

I look around this House and I know that there are a majority of the Members of this House who are opposed to the creation of this Office of Congressional Ethics. I see you. I know who you are. You all know it.

We've been through this process. The 18 years that I've been here, we've been through this process of self-flagellating ourselves and introducing new ethics packages, passing them on the floor of the House, all of it, all of it under some rules of public pressure.

But what we really have never done is to create an ethics process that does work fairly and honestly in a bipartisan manner. I don't know what goes on down there, and I understand there's a reason for some secrecy, but to have some idea that something is moving in the ethics process would be helpful, to know that they are investigating case number whatever it is and that it will move.

But I do think that the proposal that we have tonight before us is partisan. I don't think it'll work. And I don't think it's in the best interest of the American people or this institution.

The current Ethics Committee is made up of five members appointed by the Speaker and five members appointed by the minority leader. It's bipartisan. The problem we have is that the process itself has not worked. And it's been frankly 10 years since it's worked very well. Now, there's a lot of ways to make it work. I think more transparency and more accountability. And I think Members could come to an agreement on making that process work, although I do believe the most important thing that will make it work is a commitment by the leaders on both sides of the aisle to say, we expect the Ethics Committee to work; we expect them to do our job. And the two leaders need to stand there and uphold those Members and the work that they do on behalf of this entire House. It can happen.

But the new proposal is three Members appointed by the Speaker and three Members appointed by myself and we have to come to an agreement. We have six Members that we could, six Members on this outside organization that we could agree on.

Now, the Speaker and I have come to some agreements here over the last couple of weeks, and it's been a very nice and wonderful experience. But to think that we can come to an agreement on six people to serve on this outside panel strikes me as a stretch. I can't imagine who in their right mind would want to serve on this outside panel because of the fighting that's going to occur, not by Members, but by partisan groups on both sides who are going to want to be filing frivolous complaints. And the problem with this outside process is that it does not have the secrecy and accountability that's necessary to ensure that Members' reputations aren't drug through the mud by some partisan charge that may have no basis in fact at all. None.

Now, if the bipartisan process that we have called the Ethics Committee doesn't work, why would we think that this bipartisan outside Ethics Committee is going to work any better?

I just want to say that this institution means a lot to me. It means a lot to, I think, all of us who serve. And before I came to the floor, I was watching the proceedings from my office, and I saw the new Member, the gentleman from Illinois, sitting here, probably was scratching his head wondering on his first day in Congress he's in the middle of this big partisan fight. It's not usually this way. But I've got to tell you that it really isn't usually this way.

What we're about to undertake here is something that will never be undone, if we do it. And if we do it wrong, which I believe it is being done wrong, it will be something that this institution and its Members will live with for a long, long time to come.

□ 2130

And I think there's only one real answer, and I want all of my colleagues to really seriously consider doing the right thing tonight. I think that we ought to defeat the previous question. I think that we ought to send this back to a committee that can, in a bipartisan way, find a way to make the Ethics Committee process work in the fair,

honest and bipartisan manner in which we all want it to work. Let's not paper over the problem. Let us go fix the problem, and the problem is the Ethics Committee process itself.

And so I would ask my colleagues to thank the great work of the bipartisan group of Members who tried to put this together, thank them for their job and the job they did for this institution. But let's also reject this proposal, agree that we will work together in a bipartisan way to do the right thing for our Members, our colleagues, this institution and for the American people.

Defeat the previous question.

Ms. SUTTON. Mr. Speaker, I insert a March 11 letter from the Ethics Committee chairwoman, Stephanie Tubbs Jones, into the RECORD at this point.

HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,

Washington, DC, March 11, 2008.

DEAR COLLEAGUES: Today, I am disappointed that the Ranking Member of the Ethics Committee, Representative Doc Hastings, would violate the Ethics Committee's confidentiality rules by releasing a confidential communication between two attorneys who work for the Committee.

Both Representative Hastings and I agreed that the Ethics Committee could not and should not give advice to the committee charged by House Leadership with reviewing the ethics process itself. In his letter, Representative Hastings said ''Upon receipt of his letter, I shared Rep. Smith's request with Chairwoman Tubbs Jones and urged her to join me in submitting official comments to Rep. Capuano's task force on behalf of our Committee—a request to which she did not agree''. That is not true. We did however agree to send a letter outlining the functions of the ethics committee process which is signed by both Representative Hastings and myself. (This letter is available upon request). We also agreed to allow our counsel to attend some of the meetings of the outside ethics committee and to address some of the concerns we raised. Some of these concerns are reflected in the Office of Congressional Ethics' final product.

Indeed the Oath of Office, Rule 7(a), proscribes this conduct when we declare ''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Rule 7(d) provides that Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact of nature of any complaints; (ii) executive session proceedings; (iii) Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee, of the House.

Today, Representative Hastings stated he had no desire to release ''the memo'' if this matter had not come to the floor. If Representative Hastings was as altruistic as he claims to be having had this memo since November 2007, he would have initiated a process whereby our counsel could have time to prepare a response that might have been available for public review after being approved by the Chair and Ranking Member. This ''memo'' was actually an internal email communication between lawyers of the Committee and not approved for release by the Chair or Ranking Member. By releasing the said internal communication, Representative Hastings could in fact reduce the confidence that the nonpartisan counsel has in communicating with members uncertain that their work product would be kept confidential.

Representative Hastings' reliance on Rule 7(g) which states, ''Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee of any subcommittee, does not relieve him of the obligation to comply with the rules of confidentiality.

As Chair of the Ethics Committee, I have taken great strides not to give an opinion on the proposed Office of Congressional Ethics and I had hoped that my ranking member could place himself above the fray and not act for a partisan purpose. I see now that he cannot.

I do not seek to have sanctions brought against Representative Hastings at this time in hope that we can continue the work of this bipartisan committee. I do however want to make it clear that if he continues to release confidential communication, I will seek to have him sanctioned for violations of the Code of Official Conduct.

Sincerely,

STEPHANIE TUBBS JONES,
Chairwoman.

Mr. Speaker, when the laws and congressional rules are violated, the American people suffer. They suffer in policy and they suffer in spirit. They're cheated out of their right to proper representation. When Americans went to the polls in the last election, they sent a clear message that they are concerned about the state of our government. The American people want to know that we are here for them, not for the lobbyists, not for special interests and not for self-interest. They deserve nothing less. That is what this is about.

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

Mr. DINGELL. Mr. Speaker, I have a number of concerns about the resolution before us today. First, I am concerned that granting the power and authority to investigate Members of Congress to an independent, outside entity cedes away too much of the power granted to the legislative branch by the Constitution of the United States. We need to be clear about what it is we are doing today; we are altering the scheme created by Framers of the Constitution in a way that weakens this body.

The Constitution grants Members of Congress important protections that allow us to carry out our official duties free from the threat of investigation by an outside entity. Among other things, the immunity provided by the speech and debate clause allows us too vigorously pursue our oversight responsibilities without fear of retribution. Rather than allow some outside body to decide the standards that should be used to judge whether a Member of Congress is capable and responsible enough to carry out his or her duties, the Constitution vests that power in the voters, and with Congress itself.

I understand the problem that this resolution is attempting to address: People in this country are losing faith in the institutions of government. I believe that delegating the authority for investigating Members of Congress to an outside entity only confirms these fears. I believe that rather than giving into the skepticism and cynicism inherent in this view, we need to show people that government is responsible and that it can work.

If the Committee on Standards and Conduct is no longer capable of carrying out this responsibility, by all means we should find a way to reform it, empower it, and give it the tools it needs to uphold the integrity of this body. However, it seems to me that it would be unwise and unnecessary for us to tell the American people that we are no longer capable of policing our own.

Regardless of what we do here today, it will remain up to the voters to decide who represents them in this body. As the dean of the House, I have had the privilege to serve in this body and represent the people of my District for many years. During my time in the House I have witnessed politicians be indicted, be forced to resign because of public pressure, and be investigated and reprimanded by the House. I have also seen politicians accused of wrongdoing, or tarnished by the mere appearance of wrongdoing, who have been given the opportunity to make their case before the voters and return to this body.

In today's world, where the Internet and 24 hour cable news amplify and repeat almost any charge, regardless of its veracity, it seems unlikely that many Members of Congress will be able to avoid public scrutiny if they commit illegal or unethical acts. The question before us is not whether we want those who commit such acts to go unpunished, but what is the best way to ensure that they are held accountable. While I respect the views of those who believe an independent office is necessary, I cannot bring myself to agree. Ultimately, I will place my faith in the voters and in this body to ensure that the House of Representatives remains a strong and honorable institution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 895, establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes, introduced by my distinguished colleague from Massachusetts, Representative CAPUANO. This important legislation will establish an independent Office of Congressional Ethics in the House of Representatives that will address concerns about House transparency and accountability.

Ethics and legal scandals plagued the Republican Congress. The cozy relationship between Congress and special interests we saw during the 109th Congress resulted in serious lobbying scandals, such as those involving Jack Abramoff.

But that is not all. Under the previous Republican leadership of the House, lobbyists were permitted to write legislation, 15-minute votes were held open for hours, and entirely new legislation was sneaked into signed conference reports in the dead of night.

The American people registered their disgust at this sordid way of running the Congress last November and voted for reform. Democrats picked up 30 seats held by Republicans and exits polls indicated that 74 percent of voters cited corruption as an extremely important or a very important issue in their choice at the polls.

Ending the culture of corruption and delivering ethics reform is one of the top priorities of the new direction Congress. That is why as our first responsibility in fulfilling the mandate of this critical election, Democrats offered and passed last year an aggressive ethics reform package. Today, we are here to pass yet another piece of ethics legislation, illuminating that this Democratic Congress has nothing to hide. We are committed to accountability and financial transparency and as such will continue to pass ethics legislation until we are satisfied that any and all ethics concerns have been addressed. We seek to end the excesses we witnessed under the Republican leadership and to restore the public's trust in the Congress of the United States.

This important legislation amends Rule XXVI, Financial Disclosure, of the Rules of the House by requiring members of the board of the Office of Congressional Ethics to file annual financial disclosure reports with the Clerk of the House. It furthermore Amends Rule XI, Procedures of Committees and Unfinished Business, to permit the Committee on Standards of Official Conduct to undertake an investigation upon receipt of a report regarding a referral from the Office of Congressional Ethics and sets forth provisions concerning the public disclosure of board findings. The rules outlined within this legislation state that the board is directed to address any joint allegation within 7 calendar days, ensuring that any and all allegations are expediently handled. Through the creation of the Office of Congressional Ethics, the House will significantly increase the transparency and accountability of its ethics enforcement process through greater timely reporting by a body of individuals who are independent from the House.

Mr. Speaker, it is wholly fitting and proper that the Members of this House, along with all of the American people, paid fitting tribute to the late President Gerald R. ''Jerry'' Ford, a former leader in this House, who did so much to heal our Nation in the aftermath of Watergate. Upon assuming the Presidency, President Ford assured the Nation: ''My fellow Americans, our long National nightmare is over.'' By his words and deeds, President Ford helped turn the country back on the right track. He will be forever remembered for his integrity, good character, and commitment to the national interest.

This House today faces a similar challenge. To restore public confidence in this institution, we must commit ourselves to being the most honest, most ethical, most responsive Congress in history. We can end the nightmare of the last 6 years by putting the needs of the American people before those of the lobbyists and special interests. To do that, we must establish an independent Office of Congressional Ethics, and as such I offer my whole-hearted support to this legislation.

Mr. Speaker, I am proud to support H. Res. 895 and I urge my colleagues to join me in supporting this important legislation.

Ms. SUTTON. 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. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on any question arising without intervening business.

The vote was taken by electronic device, and there were—yeas 207, nays 206, not voting 17, as follows:

[Roll No. 121]

YEAS—207

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

NAYS—206

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chandler
Clay
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
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
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Boucher
Capito
Davis, Lincoln
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Tancredo
Thompson (MS)
Woolsey
Wynn

□ 2159

Messrs. JOHNSON of Illinois, HINCHEY, BUTTERFIELD, STUPAK, BISHOP of Georgia, and CLEAVER changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. BLUNT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. BLUNT. Am I right that the rules of the House read, ''A Record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote?''

The SPEAKER pro tempore. The gentleman is correct.

Mr. BLUNT. Mr. Speaker, am I correct that that was a rule change that was made this Congress this year?

The SPEAKER pro tempore. At the start of this Congress, that is correct.

Mr. BLUNT. Mr. Speaker, parliamentary inquiry. Am I right in inquiring that the majority has said that any vote that doesn't change for 3 minutes and then changes is a vote being changed for the purpose of changing votes?

The SPEAKER pro tempore. Has the gentleman asked the chair to interpret what the majority has said?

Mr. BLUNT. May I restate my parliamentary inquiry, Mr. Speaker?

The SPEAKER pro tempore. The gentleman may restate the parliamentary inquiry.

Mr. BLUNT. Parliamentary inquiry. Mr. Speaker, if the rule is violated that the majority put in the rules package this year, does that eviscerate the vote?

The SPEAKER pro tempore. An alleged violation of 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker. Does this rule have any impact at all?

□ 2200

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. DREIER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. Mr. Speaker, I would like to inquire of the Chair, what is the procedure to move ahead to ensure that we have enforcement of rule IX?

The SPEAKER pro tempore. As previously stated, an alleged violation of clause 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized.

Mr. BLUNT. If the vote is necessary for another vote to occur, what's the parliamentary way to challenge that vote before the subsequent vote occurs?

The SPEAKER pro tempore. The challenge would occur collaterally—that is, after the fact.

Mr. FRANK of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, is blatant hypocrisy a violation of the rules of the House?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for purposes of parliamentary inquiry.

Mr. BLUNT. What is the proper motion to ask that that vote be reconsidered?

The SPEAKER pro tempore. Any Member on the prevailing side may move to reconsider.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. BOEHNER. Mr. Speaker, did I understand that to challenge the vote on the previous question that it would rise to a question of the privileges of the House? Is that correct?

The SPEAKER pro tempore. Such a matter could qualify as a question of privilege.

Mr. BOEHNER. Mr. Speaker, I believe that the privileges of the House have been dishonored, that the rules have been violated.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry? The gentleman is recognized for purposes of parliamentary inquiry.

Mr. BOEHNER. Mr. Speaker, when could I introduce a privileged motion?

The SPEAKER pro tempore. A privileged resolution may be entertained after the conclusion of the pending rule.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized for purposes of parliamentary inquiry.

Mr. BOEHNER. If I can't offer a privileged resolution until this business has been completed, there will have been a vote taken on final passage of this rule, which basically takes my remedy away from me. I believe that under the rule as written by the majority that a vote cannot be held open solely for the purpose of trying to change the outcome. It was violated.

The SPEAKER pro tempore. The Chair has described the challenge as collateral.

An alleged violation of clause 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

The question is on the resolution.

Mr. BOEHNER. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The motion to adjourn is not in order.

Mrs. CUBIN. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from Wyoming is recognized for purposes of a parliamentary inquiry.

Ms. CUBIN. Mr. Speaker, I'm under the impression that the delegates from the territories' vote cannot be counted when it makes a difference in the outcome of the vote. So could you tell me when those votes can be considered and when they can't be considered?

The SPEAKER pro tempore. The rule to which the gentlewoman refers is applicable to the Committee of the Whole only.

The question is on the resolution.

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

Mr. DREIER. 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 adoption will be followed by 5-minute votes on any question arising without intervening business; and the motion to suspend the rules on H. Res. 936.

The vote was taken by electronic device, and there were—yeas 229, nays 182, answered ''present'' 4, not voting 15, as follows:

[Roll No. 122]

YEAS—229

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wu
Yarmuth

NAYS—182

Abercrombie	Forbes	Nunes
Aderholt	Fortenberry	Pastor
Akin	Foxx	Paul
Alexander	Franks (AZ)	Pearce
Bachmann	Frelinghuysen	Pence
Bachus	Gallegly	Peterson (PA)
Baird	Garrett (NJ)	Petri
Barrett (SC)	Gilchrest	Pickering
Bartlett (MD)	Gingrey	Pitts
Barton (TX)	Gohmert	Poe
Biggert	Goode	Price (GA)
Bilbray	Goodlatte	Putnam
Bishop (GA)	Granger	Regula
Bishop (UT)	Hall (TX)	Rehberg
Blackburn	Hastings (WA)	Reichert
Blunt	Hensarling	Rogers (AL)
Boehner	Herger	Rogers (KY)
Bonner	Hinchey	Rogers (MI)
Bono Mack	Hobson	Rohrabacher
Boozman	Hoekstra	Roskam
Boustany	Hunter	Royce
Boyd (FL)	Inglis (SC)	Ryan (WI)
Brady (TX)	Issa	Sali
Broun (GA)	Jackson-Lee (TX)	Sanchez, Loretta
Brown (SC)	Johnson, Sam	Saxton
Brown, Corrine	Jordan	Schmidt
Burgess	Kaptur	Sensenbrenner
Burton (IN)	King (IA)	Sessions
Buyer	King (NY)	Shadegg
Calvert	Kingston	Shimkus
Camp (MI)	Kline (MN)	Shuler
Campbell (CA)	LaHood	Shuster
Cannon	Lamborn	Simpson
Cantor	Latham	Skelton
Carter	LaTourette	Smith (NE)
Chandler	Latta	Smith (NJ)
Clay	Lewis (CA)	Smith (TX)
Cleaver	Lewis (KY)	Stark
Coble	Linder	Stearns
Cole (OK)	Lucas	Sullivan
Conaway	Lungren, Daniel E.	Tanner
Costello	Mack	Terry
Crenshaw	Manzullo	Thornberry
Cubin	Marchant	Tiahrt
Culberson	McCarthy (CA)	Tiberi
Davis (KY)	McCaul (TX)	Turner
Davis, David	McCotter	Upton
Davis, Tom	McCrery	Walberg
Deal (GA)	McHenry	Walden (OR)
Dingell	McKeon	Walsh (NY)
Doolittle	McMorris Rodgers	Wamp
Drake	Melancon	Waters
Dreier	Mica	Weldon (FL)
Duncan	Miller (FL)	Weller
Ehlers	Miller, Gary	Westmoreland
Emerson	Murtha	Whitfield (KY)
Everett	Musgrave	Wilson (NM)
Fallin	Myrick	Wilson (SC)
Feeney	Neugebauer	Wolf
Ferguson	Nunes	Young (AK)
Filner	Pastor	Young (FL)
Flake	Paul	

ANSWERED ''PRESENT''—4

Delahunt	Jones (OH)
Doyle	Roybal-Allard

NOT VOTING—15

Capito	Pryce (OH)	Rush
Hooley	Radanovich	Tancredo
Kilpatrick	Rangel	Thompson (MS)
Mitchell	Renzi	Woolsey
Oberstar	Ros-Lehtinen	Wynn

□ 2227

Mr. GILCHREST changed his vote from ''yea'' to ''nay.''

Messrs. MEEKS of New York, MCHUGH, WITTMAN of Virginia, ORTIZ, HINOJOSA, REYNOLDS, HILL, and ENGLISH of Pennsylvania changed their vote from ''nay'' to ''yea.''

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.

The SPEAKER pro tempore (Mr. WEINER). By the adoption of House Resolution 1031, House Resolution 895, as amended, stands adopted.

The text of House Resolution 895, as amended, is as follows:

H. RES. 895

Resolved,

SECTION 1. ESTABLISHMENT OF THE OFFICE OF CONGRESSIONAL ETHICS.

(a) ESTABLISHMENT.—For the purpose of assisting the House in carrying out its responsibilities under article I, section 5, clause 2 of the Constitution (commonly referred to as the ''Discipline Clause''), there is established in the House an independent office to be known as the Office of Congressional Ethics (hereinafter in this section referred to as the ''Office'').

(b) BOARD.—(1) The Office shall be governed by a board consisting of six individuals of whom three shall be nominated by the Speaker subject to the concurrence of the minority leader and three shall be nominated by the minority leader subject to the concurrence of the Speaker. The Speaker shall nominate at least one alternate board member subject to the concurrence of the minority leader and the minority leader shall nominate at least one alternate board member subject to the concurrence of the Speaker. If any vacancy occurs in the board, then the most senior alternate board member nominated by the same individual who nominated the member who left the board shall serve on the board until a permanent replacement is selected. If a permanent appointment is not made within 90 days, the alternate member shall be deemed to have been appointed for the remainder of the term of the member who left the board and the Speaker or the minority leader, as applicable, shall nominate a new alternate subject to the concurrence of the other leader.

(2) The Speaker and the minority leader each shall appoint individuals of exceptional public standing who are specifically qualified to serve on the board by virtue of their education, training, or experience in one or more of the following fields: legislative, judicial, regulatory, professional ethics, business, legal, and academic.

(3) The Speaker shall designate one member of the board as chairman. The minority leader shall designate one member of the board as cochairman. The cochairman shall act as chairman in the absence of the chairman.

(4)(A) Selection and appointment of members of the board shall be without regard to political affiliation and solely on the basis of fitness to perform their duties.

(B)(i) No individual shall be eligible for appointment to, or service on, the board who—

(I) is a lobbyist registered under the Lobbying Disclosure Act of 1995;

(II) has been so registered at any time during the year before the date of appointment;

(III) engages in, or is otherwise employed in, lobbying of the Congress;

(IV) is an agent of a foreign principal registered under the Foreign Agents Registration Act;

(V) is a Member; or

(VI) is an officer or employee of the Federal Government.

(ii) No individual who has been a Member, officer, employee of the House may be appointed to the board sooner than one year after ceasing to be a Member, officer, or employee of the House.

(5) A vacancy on the board shall be filled for the unexpired portion of the term, utilizing the process set forth in paragraph (1).

(6)(A) Except as provided by subparagraph (B), terms on the board shall be for two Congresses. A member of the board may not serve during more than four consecutive Congresses.

(B) Of the individuals appointed in the 110th Congress to serve on the board, 4 shall be designated at the time of appointment to serve only for the remainder of that Congress. Any such individual may be reappointed for an additional term of two Congresses.

(C) Any member of the board may be removed from office for cause by the Speaker and the minority leader, acting jointly, but not by either, acting alone.

(7) A member of the board shall not be considered to be an officer or employee of the House, but shall receive a per diem equal to the daily equivalent of the minimum rate of basic pay payable for GS–15 of the General Schedule for each day (including travel time) during which such member is engaged in the performance of the duties of the board.

(8) A majority of the members of the board shall constitute a quorum.

(9) The board shall meet at the call of the chairman or a majority of its members pursuant to its rules.

(c) POWERS.—The board is authorized and directed to:

(1)(A) Within 7 calendar days (excluding Saturdays, Sundays, and public holidays) after receipt of a joint written request from 2 members of the board (one of whom was nominated by the Speaker and one by the minority leader) to all board members to undertake a preliminary review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities, along with a brief description of the specific matter, initiate a preliminary review and notify in writing—

(i) the Committee on Standards of Official Conduct of that preliminary review and provide a statement of the nature of the review; and

(ii) any individual who is the subject of the preliminary review and provide such individual with a statement of the nature of the review.

(B) Within 30 calendar days or 5 legislative days, whichever is later, after receipt of a request under subparagraph (A), complete a preliminary review.

(C) Before the end of the applicable time period, vote on whether to commence a second-phase review of the matter under consideration. An affirmative vote of at least 3 members of the board is required to commence a second-phase review. If no such vote to commence a second-phase review has succeeded by the end of the applicable time period, the matter is terminated. At any point before the end of the applicable time period, the board may vote to terminate a preliminary review by the affirmative vote of not less than 4 members. The board shall notify, in writing, the individual who was the subject of the preliminary review and the Committee on Standards of Official Conduct of its decision to either terminate the preliminary review or commence a second-phase review of the matter. If the board votes to terminate the preliminary review, then it may send a report and any findings to such committee.

(2)(A)(i) Except as provided by item (ii), complete a second-phase review within 45 calendar days or 5 legislative days, whichever is later, after the board commences such review.

(ii) Extend the period described in subparagraph (A) for one additional period of 14 calendar days upon the affirmative vote of a majority of its members, a quorum being present.

(B) Transmit to the Committee on Standards of Official Conduct a recommendation that a matter requires further review only upon the affirmative vote of not less than 4 members of the board.

(C) Upon the completion of any second-phase review undertaken—

(i) transmit to the Committee on Standards of Official Conduct the following—

(I) a written report composed solely of—

(aa) a recommendation that the committee should dismiss the matter that was the subject of such review;

(bb) a statement that the matter requires further review; or

(cc) a statement that the matter is unresolved because of a tie vote; and

the number of members voting in the affirmative and in the negative and a statement of the nature of the review and the individual who is the subject of the review;

(II) its findings, if any, composed solely of—

(aa) any findings of fact;

(bb) a description of any relevant information that it was unable to obtain or witnesses whom it was unable to interview, and the reasons therefor;

(cc) a recommendation for the issuance of subpoenas where appropriate, if any; and

(dd) a citation of any relevant law, rule, regulation, or standard of conduct;

but not the names of any cooperative witnesses or any conclusions regarding the validity of the allegations upon which it is based or the guilt or innocence of the individual who is the subject of the review; and

(III) any supporting documentation; and

(ii) transmit to the individual who is the subject of the second-phase review the written report of the board described in clause (i).

(D) Hold such hearings as are necessary and sit and act only in executive session at such times and places and solicit such testimony and receive such relevant evidence as may be necessary to carry out its duties.

(E) Pay witnesses appearing before the Office in the same manner as prescribed by clause 5 of rule XI of the Rules of the House of Representatives.

(F) Adopt rules to carry out its duties, which shall include each of the following:

(i) A rule providing that—

(I) the board may vote to terminate a preliminary review on any ground, including that the matter under review is de minimis in nature; and

(II) the board may vote to recommend to the Committee on Standards of Official Conduct that the committee should dismiss a matter that was the subject of a second-phase review on any ground, including that the matter under review is de minimis in nature.

(ii) A rule requiring that all witnesses sign a statement acknowledging their understanding that the text of section 1001 of title 18, United States Code (popularly known as the False Statements Act) applies to their testimony and to any documents they provide.

(iii) A rule requiring that there be no ex parte communications between any member of the board or staff of the Office and any individual who is the subject of any review by the board or between any member and any interested party, and that no Member, officer, or employee of the House may communicate with any member of the board or staff of the Office regarding any matter under review by the board except as authorized by the board.

(iv) A rule that establishes a code of conduct to govern the behavior of its members and staff, which shall include the avoidance of conflicts of interest.

(d) REQUESTS FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—(1) Notwithstanding any other provision of this section, upon receipt of a written request from the Committee on Standards of Official Conduct that the board cease its review of any matter and refer such matter to the committee because of the ongoing investigation of such matter by the committee, the board shall refer such matter to the committee and cease its preliminary or second-phase review, as applicable, of that matter and so notify any individual who is the subject of the review. In any such case, the board shall send a written report to the committee containing a statement that, upon the request of that committee, the matter is referred to it for its consideration, but not any findings.

(2) If the Committee on Standards of Official Conduct notifies the board in writing that it is unable to resolve any matter described in paragraph (1), the board shall immediately begin or continue, as the case may be, a second-phase review of the matter.

(e) LIMITATIONS ON REVIEW.—No review shall be undertaken by the board of any alleged violation of law, rule, regulation or standard of conduct not in effect at the time of the alleged violation; nor shall any review be undertaken by the board of any alleged violation that occurred before the date of adoption of this resolution.

(f) PROHIBITION ON PUBLIC DISCLOSURE.—(1)(A) When an individual becomes a member of the board or staff of the Office, that individual shall execute the following oath or affirmation in writing: ''I do solemnly swear (or affirm) that I will not disclose to any person or entity outside of the Office any information received in the course of my service with the Office, except as authorized by the board as necessary to conduct official business or pursuant to its rules.''. Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House.

(B) No testimony received or any other information obtained as a member of the board or staff of the Office shall be publicly disclosed by any such individual to any person or entity outside the Office. Any communication to any person or entity outside the Office may occur only as authorized by the board as necessary to conduct official business or pursuant to its rules.

(C) The Office shall establish procedures necessary to prevent the unauthorized disclosure of any information received by the Office. Any breaches of confidentiality shall be investigated by the board and appropriate action shall be taken.

(2) Paragraph (1) shall not preclude presenting its report or findings or testifying before the Committee on Standards of Official Conduct by any member of the board or staff of the Office if requested by such committee pursuant to its rules.

(3) Before the board votes on a recommendation or statement to be transmitted to the Committee on Standards of Official Conduct relating to official conduct of any Member, officer, or employee of the House, it shall provide that individual the opportunity to present, orally or in writing (at the discretion of the board), a statement to the board.

(g) PRESENTATION OF REPORTS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Whenever the board transmits any report to the Committee on Standards of Official Conduct relating to official conduct of any Member, officer, or employee of the House, it shall designate a member of the board or staff to present the report to such committee if requested by such committee.

(h) COMPENSATION OF STAFF.—Upon the affirmative vote of at least 4 of its members, the board may appoint and fix the compensation of such professional, non-partisan staff as it considers necessary to perform its duties.

(i) TERMINATION OF STAFF.—Members of the staff may be terminated during a Congress solely by the affirmative vote of at least 4 members of the board.

(j) REIMBURSEMENTS.—The board may reimburse its members and staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties in the same manner as is permissible for such expenses of other employees of the House.

(k) AGREEMENTS; RETENTION OF DOCUMENTS BY THE CLERK.—(1) Before any individual who is appointed to serve on the board (including an individual who is an alternate) or before any individual is hired to be a staff member of the Office may do so, the individual shall execute a signed document containing the following statement: ''I agree not to be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after I am no longer a member of the board or staff of the Office of Congressional Ethics.''

(2) Copies of the signed and executed document shall be retained by the Clerk as part of the records of the House. The Clerk shall make the signatures a matter of public record, causing the names of each individual who has signed the document to be published in a portion of the Congressional Record designed for that purpose, and make cumulative lists of such names available on the web site of the Clerk.

(3) The following rules shall be applicable to the staff of the Office:

(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a non-partisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Office without specific prior approval from the chairman and cochairman.

(l) FUNDING.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the Office. Such payments shall be made on vouchers signed by the chairman of the board and approved in the manner directed by the Committee on House Administration. Amounts made available under this section shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(m) DEFINITION.—As used in this section, the term ''Member'' means any Representative in, or Delegate or Resident Commissioner to, the Congress.

SEC. 2. FINANCIAL DISCLOSURE REPORTS.

Rule XXVI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''3. Members of the board of the Office of Congressional Ethics shall file annual financial disclosure reports with the Clerk of the House on or before May 15 of each calendar year after any year in which they perform the duties of that position. Such reports shall be on a form prepared by the Clerk that is substantially similar to form 450 of the Office of Government Ethics. The Clerk shall send a copy of each such report filed with the Clerk within the seven-day period beginning on the date on which the report is filed to the Committee on Standards of Official Conduct and shall have them printed as a House document and made available to the public pursuant to clause 1.''.

SEC. 3. CONFORMING AMENDMENTS TO THE RULES OF THE HOUSE.

Clause 3 of rule XI of the Rules of the House of Representatives is amended as follows:

(1) In paragraph (b)(2), strike ''or'' at the end of subparagraph (A), strike the period and insert ''; or'' at the end of subparagraph (B), and add at the end the following new subparagraph:

''(C) upon receipt of a report regarding a referral from the board of the Office of Congressional Ethics.''

(2) At the end of paragraph (b), add the following new subparagraph:

''(8)(A) Except as provided by subdivisions (B), (C), and (D), not later than 45 calendar days or 5 legislative days, whichever is later, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the chairman of the Committee on Standards of Official Conduct shall make public the written report and findings of the board unless the chairman and ranking member, acting jointly, decide or the committee votes to withhold such information for not more than one additional period of the same duration, in which case the chairman shall—

''(i) upon the termination of such additional period, make public the written report and findings; and

''(ii) upon the day of such decision or vote, make a public statement that the committee has voted to extend the matter relating to the referral made by the board of the Office of Congressional Ethics regarding the Member, officer, or employee of the House who is the subject of the applicable referral.

At least one calendar day before the committee makes public any written report and findings of the board, the chairman shall notify such board and the applicable Member, officer, or employee of that fact and transmit to such individual a copy of the statement on the committee's disposition of, and any committee report on, the matter.

''(B)(i) Notwithstanding subdivision (A)(i), if the committee votes to dismiss a matter which is the subject of a referral from the board of the Office of Congressional Ethics, the committee is not required to make public the written report and findings described in such subdivision unless the committee's vote is inconsistent with the recommendation of the board. For purposes of the previous sentence, a vote by the committee to dismiss a matter is not inconsistent with a report from the board respecting the matter as unresolved due to a tie vote.

''(ii) Notwithstanding subdivision (A)(ii), if the board transmits a report respecting any matter with a recommendation to dismiss or as unresolved due to a tie vote, and the committee votes to extend the matter for an additional period as provided in subdivision (A), the committee is not required to make a public statement that the committee has voted to extend the matter.

''(iii) Except as provided by subdivision (E), if the committee establishes an investigative subcommittee respecting any such matter, then the report and findings of the board shall not be made public until the conclusion of the investigative subcommittee process and the committee shall issue a public statement of the establishment of an investigative subcommittee, which statement shall include the name of the applicable Member, officer, or employee, and shall set forth the alleged violation. If any such investigative subcommittee does not conclude its review within one year after the board transmits a report respecting any matter, then the committee shall make public the report and upon the expiration of the Congress in which the report is made public, the committee shall make public any findings.

''(C)(i) If, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on the matter—

''(I) notwithstanding subdivision (A)(i), the committee is not required to make public the written report and findings described in such subdivision, except that if the recommendation of the board with respect to the report is that the matter requires further review, the committee shall make public the written report but not the findings; and

''(II) before the end of the first day (excluding Saturdays, Sundays, and public holidays) after the day that the committee agrees to the request, the committee shall make a public statement that it is deferring taking action on the matter at the request of such authority.

''(ii) If, upon the expiration of the one-year period that begins on the date the committee makes the public statement described in item (i)(II), the committee has not acted on the matter, the committee shall make a new public statement that it is still deferring taking action on the matter, and shall make a new statement upon the expiration of each succeeding one-year period during which the committee has not acted on the matter.

''(D) The committee may not receive any referral from the board of the Office of Congressional Ethics within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate. The committee may delay any reporting requirement under this subparagraph that falls within that 60-day period until the end of such period and in that case, for purposes of subdivision (A), days within the 60-day period shall not be counted.

''(E) If, at the close of any applicable period for a reporting requirement under this subparagraph with respect to a referral from the board of the Office of Congressional Ethics, the vote of the committee is a tie or the committee fails to act, the report and the findings of the board shall be made public by the committee, along with a public statement by the chairman explaining the status of the matter.''.

(3) At the end, add the following new paragraph:

''(r) Upon receipt of any written notification from the board of the Office of Congressional Ethics that the board is undertaking a review of any alleged conduct of any Member, officer, or employee of the House and if the committee is investigating such matter, the committee may at any time so notify the board and request that the board cease its review and refer the matter to the committee for its consideration. If at the end of the applicable time period (including any permissible extension) the committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities, the committee shall so notify the board of the Office of Congressional Ethics in writing. The committee may not request the same matter from the board more than one time.''.

SEC. 4. EFFECTIVE DATE.

This resolution and the amendments made by it shall take effect on the date of its adoption, except that the Office of Congressional Ethics shall not undertake any review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities before 120 days after the date of adoption of this resolution.

ADJOURNMENT

Ms. SUTTON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 186, not voting 27, as follows:

[Roll No. 123]

YEAS—216

Abercrombie	Farr	McNerney
Ackerman	Fattah	McNulty
Allen	Feeney	Meek (FL)
Andrews	Filner	Meeks (NY)
Arcuri	Frank (MA)	Michaud
Baca	Gillibrand	Miller (NC)
Baird	Gonzalez	Miller, George
Baldwin	Gordon	Moore (KS)
Barrow	Graves	Moore (WI)
Bartlett (MD)	Green, Al	Moran (VA)
Bean	Grijalva	Murphy (CT)
Becerra	Gutierrez	Murphy, Patrick
Berkley	Hall (NY)	Nadler
Berman	Hare	Napolitano
Berry	Harman	Neal (MA)
Bishop (GA)	Hastings (FL)	Obey
Bishop (NY)	Herseth Sandlin	Olver
Blumenauer	Higgins	Ortiz
Boren	Hill	Pallone
Boswell	Hinchey	Pastor
Boyd (FL)	Hinojosa	Paul
Boyda (KS)	Hirono	Payne
Brady (PA)	Hobson	Perlmutter
Braley (IA)	Hodes	Peterson (MN)
Brown (SC)	Holt	Pickering
Brown, Corrine	Honda	Pomeroy
Buchanan	Hoyer	Price (NC)
Butterfield	Inslee	Reyes
Capps	Israel	Richardson
Capuano	Jackson (IL)	Rodriguez
Cardoza	Jackson-Lee (TX)	Ross
Carnahan	Jefferson	Rothman
Castor	Johnson (GA)	Roybal-Allard
Chandler	Johnson (IL)	Ruppersberger
Clarke	Johnson, E. B.	Ryan (OH)
Clay	Jones (NC)	Salazar
Cleaver	Jones (OH)	Sánchez, Linda T.
Clyburn	Kagen	Sanchez, Loretta
Coble	Kanjorski	Sarbanes
Cohen	Kaptur	Schakowsky
Cooper	Kennedy	Schiff
Costa	Kildee	Schwartz
Costello	Kind	Scott (GA)
Courtney	King (IA)	Scott (VA)
Crowley	Klein (FL)	Serrano
Cuellar	Langevin	Sestak
Cummings	Larsen (WA)	Shea-Porter
Davis (AL)	Larson (CT)	Sherman
Davis (CA)	Lee	Shuler
Davis (IL)	Levin	Sires
Davis (KY)	Lewis (GA)	Skelton
Davis, Lincoln	Lewis (KY)	Slaughter
DeFazio	Linder	Smith (WA)
DeGette	Lipinski	Snyder
Delahunt	Loebsack	Solis
DeLauro	Lofgren, Zoe	Space
Dicks	Lowey	Stark
Dingell	Lynch	Sutton
Doggett	Mahoney (FL)	Tanner
Doolittle	Maloney (NY)	Tauscher
Doyle	Markey	Taylor
Edwards	Marshall	Thompson (CA)
Ellison	Matheson	Tierney
Emanuel	Matsui	Towns
Emerson	McCollum (MN)	Tsongas
Engel	McGovern	Udall (CO)
Eshoo	McIntyre	Van Hollen
Etheridge		

Velázquez	Watson	Wexler
Visclosky	Waxman	Whitfield (KY)
Wasserman Schultz	Weiner	Wilson (OH)
	Welch (VT)	Wu
Waters	Weldon (FL)	Yarmuth

NAYS—186

Aderholt	Frelinghuysen	Musgrave
Akin	Gallegly	Myrick
Alexander	Garrett (NJ)	Neugebauer
Altmire	Gerlach	Nunes
Bachmann	Giffords	Pearce
Bachus	Gilchrest	Pence
Barrett (SC)	Gingrey	Peterson (PA)
Barton (TX)	Gohmert	Petri
Biggert	Goode	Pitts
Bilbray	Goodlatte	Platts
Bilirakis	Granger	Poe
Bishop (UT)	Green, Gene	Porter
Blackburn	Hall (TX)	Price (GA)
Blunt	Hastings (WA)	Putnam
Boehner	Hayes	Rahall
Bonner	Heller	Ramstad
Bono Mack	Hensarling	Regula
Boozman	Herger	Rehberg
Boucher	Hoekstra	Reichert
Boustany	Hulshof	Reynolds
Brady (TX)	Hunter	Rogers (AL)
Broun (GA)	Inglis (SC)	Rogers (KY)
Brown-Waite, Ginny	Issa	Rogers (MI)
	Jordan	Rohrabacher
Burgess	Keller	Roskam
Burton (IN)	King (NY)	Royce
Buyer	Kingston	Ryan (WI)
Calvert	Kirk	Sali
Camp (MI)	Kline (MN)	Schmidt
Campbell (CA)	Knollenberg	Sensenbrenner
Cannon	Kucinich	Sessions
Cantor	Kuhl (NY)	Shadegg
Carney	LaHood	Shays
Carter	Lamborn	Shimkus
Castle	Lampson	Shuster
Chabot	Latham	Simpson
Cole (OK)	LaTourette	Smith (NE)
Conaway	Latta	Smith (NJ)
Crenshaw	Lewis (CA)	Smith (TX)
Cubin	LoBiondo	Souder
Culberson	Lucas	Stearns
Davis, David	Lungren, Daniel E.	Stupak
Davis, Tom		Sullivan
Deal (GA)	Mack	Terry
Dent	Manzullo	Thornberry
Diaz-Balart, L.	Marchant	Tiahrt
Diaz-Balart, M.	McCarthy (CA)	Tiberi
Donnelly	McCaul (TX)	Turner
Drake	McCotter	Udall (NM)
Dreier	McCrery	Upton
Duncan	McDermott	Walberg
Ehlers	McHenry	Walden (OR)
Ellsworth	McHugh	Walsh (NY)
English (PA)	McKeon	Walz (MN)
Everett	McMorris Rodgers	Wamp
Fallin		Watt
Ferguson	Mica	Westmoreland
Flake	Miller (FL)	Wilson (NM)
Forbes	Miller (MI)	Wilson (SC)
Fortenberry	Miller, Gary	Wittman (VA)
Fossella	Mollohan	Wolf
Foxx	Moran (KS)	Young (AK)
Franks (AZ)	Murphy, Tim	Young (FL)

NOT VOTING—27

Capito	Melancon	Ros-Lehtinen
Conyers	Mitchell	Rush
Cramer	Murtha	Saxton
Foster	Oberstar	Spratt
Holden	Pascrell	Tancredo
Hooley	Pryce (OH)	Thompson (MS)
Johnson, Sam	Radanovich	Weller
Kilpatrick	Rangel	Woolsey
McCarthy (NY)	Renzi	Wynn

□ 2243

Mr. ALTIMIRE changed his vote from ''yea'' to ''nay.''

Ms. MOORE of Wisconsin changed her vote from ''nay'' to ''yea.''

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 10 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 12, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

BILL FOSTER, Illinois, Fourteenth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5674. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Add Mauritius to the List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0151] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5675. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mediterranean Fruit Fly; Add Portion of Los Angeles County, CA, to the List of Quarantined Areas [Docket No. APHIS-2008-0004] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5676. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Codification and Modification of Berry Amendment [DFARS Case 2002-D002] (RIN: 0750-AD76) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5677. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Discretionary Activities: Community Economic Development and Rural Community Facilities Funded During Fiscal Year 2003; to the Committee on Education and Labor.

5678. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Radiation Source Use and Replacement,'' pursuant to Public Law 109-58, section 651(d); to the Committee on Energy and Commerce.

5679. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Expanded Authorization for Temporary Exports and Reexports of Tools of Trade to Sudan [Docket No. 071129776-7777-01] (RIN: 0694-AE20) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5680. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Iranian Assets Control Regulations, Narcotices Trafficking Sanctions Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations, Weapons of Mass Destruction Trade Control Regulations — received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5681. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing This Distinct Population Segment From the Federal List of Endangered and Threatened Wildlife [[FWS-R6-ES-2008-008] [92220-1113-0000; ABC Code: C6]] (RIN: 1018-AU53) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5682. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XF39) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5683. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's 2004 Clean Watersheds Needs Survey, as required by Section 516(b)(1)(B) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

5684. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 2006, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

5685. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Substitute for Return [TD 9380] (RIN: 1545-BC45) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5686. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled, ''The Federal Agency Data Mining Reporting Act of 2007,'' pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the Committee on Homeland Security.

5687. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101–576, and the Government Performance and Results Act of 1993, the Corporation's 2007 Annual Report; jointly to the Committees on Financial Services and Oversight and Government Reform.

5688. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prior Determination for Certain Items and Services [CMS-6024-F] (RIN: 0938-AN10) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to

the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BERMAN: Committee on Foreign Affairs. Supplemental report on H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–546, Pt. 2).

Mr. MCGOVERN: Committee on Rules. House Resolution 1036. Resolution Providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. (Rept. 110–548). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WAXMAN (for himself and Mr. MARKEY):

H.R. 5575. A bill to require new coal-fired electric generating units to use state-of-the-art control technology to capture and permanently sequester carbon dioxide emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. LAMBORN):

H.R. 5576. A bill to amend title 38, United States Code, to make certain improvements in the claims processing of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. HARMAN, Mr. DEFAZIO, Mrs. LOWEY, Ms. NORTON, Ms. ZOE LOFGREN of California, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. CUELLAR, Mr. CARNEY, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. PERLMUTTER, and Mr. PASCRELL):

H.R. 5577. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; to the Committee on Homeland Security, 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. PETERSON of Minnesota (for himself and Mr. GOODLATTE):

H.R. 5578. A bill to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. KANJORSKI):

H.R. 5579. A bill to remove an impediment to troubled debt restructuring on the part of holders of residential mortgage loans, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mr. WAXMAN, Mr. ELLISON, and Ms. HIRONO):

H.R. 5580. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California:

H.R. 5581. A bill to require the Secretary of the Interior to notify units of local government when a Native American group files a petition to become a federally recognized Indian tribe and before the decision on the petition is made, and for other purposes; to the Committee on Natural Resources.

By Mr. CLAY (for himself and Mr. LARSON of Connecticut):

H.R. 5582. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA:

H.R. 5583. A bill to withdraw the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in House Rock Valley from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 5584. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a western passage of the CANAMEX Corridor in Arizona, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 5585. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare Program and to provide for research to improve cancer symptom management; 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 Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5586. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the Internal Revenue Service's Taxpayer Assistance Centers; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. JOHNSON of Georgia, and Mr. SCOTT of Georgia):

H.R. 5587. A bill to direct the Secretary of the Army to conduct a comprehensive study of long-term water management in the southeastern United States; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mr. INSLEE, Mr. HINCHEY, and Mr. LARSON of Connecticut):

H.R. 5588. A bill to prohibit the Secretary of the Interior from offering for oil and gas leasing or any related activity any tract in the Lease Sale 193 Area of the Alaska Outer Continental Shelf Region until the Secretary determines whether to list the polar bear as a threatened species or an endangered species under the Endangered Species Act of 1973, and for other purposes; to the Committee on Natural Resources.

By Mr. MELANCON:

H.R. 5589. A bill to modify the project for navigation, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, to include an additional area, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. CANTOR):

H.R. 5590. A bill to amend title XVIII of the Social Security Act to permit physical therapy services to be furnished under the Medicare Program to individuals under the care of a dentist; 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. PITTS:

H.R. 5591. A bill to amend the Internal Revenue Code of 1986 to allow nontaxable employer matching contributions to section 529 college savings plans; to the Committee on Ways and Means.

By Mr. REYES (for himself, Mr. GRIJALVA, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. ORTIZ, and Mr. HINOJOSA):

H.R. 5592. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. CANNON):

H.R. 5593. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. LOBIONDO):

H.R. 5594. A bill to require the Commandant of the Coast Guard to conduct an evaluation and review of certain vessel discharges; to the Committee on Transportation and Infrastructure.

By Mr. HENSARLING (for himself and Mr. CAMPBELL of California):

H. Con. Res. 314. Concurrent resolution establishing a Joint Select Committee on Earmark Reform; to the Committee on Rules.

By Mr. WILSON of South Carolina (for himself, Mr. HENSARLING, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CARTER, Mr. CHABOT, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Ms. FALLIN, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOHMERT, Ms. GRANGER, Mr. HERGER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LEWIS of Kentucky, Mr. LUCAS, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCKEON, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. POE, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. SALI, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Nebraska, Mr. SMITH of Texas, and Mr. WALBERG):

H. Con. Res. 315. Concurrent resolution supporting the idea that coalition victory in Iraq is possible; to the Committee on Armed Services.

By Mr. PUTNAM:

H. Res. 1034. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 1035. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KAGEN:

H. Res. 1037. A resolution expressing the need for enhanced public awareness of Hidradenitis Suppurativa, and for the support of the designation of a National Hidradenitis Suppurativa Awareness Month; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself and Mr. KING of New York):

H. Res. 1038. A resolution recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation; to the Committee on Homeland Security.

ADDITIONAL SPONSORS

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

H.R. 248: Mr. CAMPBELL of California.
H.R. 303: Mr. ELLISON.
H.R. 406: Mr. JEFFERSON, Mrs. CAPPS, Mr. ELLISON, Mr. STARK, Mr. PERLMUTTER, Mr. TAYLOR, and Mr. UDALL of Colorado.
H.R. 581: Mr. ENGLISH of Pennsylvania.
H.R. 583: Ms. BEAN and Mr. DAVIS of Illinois.
H.R. 594: Mr. ROSS.
H.R. 618: Mr. BARTON of Texas.
H.R. 631: Mr. KLINE of Minnesota.
H.R. 648: Mr. PASTOR, Mr. TIM MURPHY of Pennsylvania, and Mrs. JONES of Ohio.
H.R. 741: Mr. BOYD of Florida.
H.R. 808: Ms. CLARKE.
H.R. 882: Mr. ANDREWS.
H.R. 1017: Mr. LOEBSACK.
H.R. 1092: Mr. FORTUÑO.
H.R. 1110: Mr. LAMPSON.
H.R. 1188: Mr. TOWNS and Mr. DAVID DAVIS of Tennessee.
H.R. 1213: Mr. PLATTS.
H.R. 1222: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1228: Mr. UPTON.
H.R. 1237: Ms. DELAURO, Mr. PORTER, and Mr. MURPHY of Connecticut.
H.R. 1295: Mr. TAYLOR.
H.R. 1386: Mr. ALTMIRE and Mr. HINCHEY.
H.R. 1390: Mr. BILIRAKIS.
H.R. 1436: Ms. HERSETH SANDLIN.
H.R. 1464: Ms. SHEA-PORTER.
H.R. 1524: Mr. SIMPSON and Mrs. CAPPS.
H.R. 1540: Mr. EMANUEL, Mr. FATTAH, Mr. WYNN, and Mr. UDALL of Colorado.
H.R. 1584: Mr. CLEAVER, Mr. SMITH of New Jersey, Mr. CONAWAY, Mr. COSTA, Mr. MURTHA, Mr. CHABOT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOEHNER, Mr. THORNBERRY, Mr. FRELINGHUYSEN, Mr. SESSIONS, Mr. UDALL of New Mexico, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. PUTNAM, Mr. LOBIONDO, Mr. AKIN, Mr. BUCHANAN, Mr. MCHENRY, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. TURNER, Mr. TAYLOR, Mr. PERLMUTTER, and Mr. CASTLE.
H.R. 1609: Mr. SCHIFF.
H.R. 1665: Ms. KILPATRICK.
H.R. 1738: Mr. COSTELLO.
H.R. 1791: Mr. TIM MURPHY of Pennsylvania.
H.R. 1881: Ms. GRANGER.
H.R. 1884: Mr. MILLER of North Carolina.
H.R. 1967: Ms. BEAN.
H.R. 1975: Ms. KAPTUR, Mr. HOLDEN, Mr. GORDON, and Ms. BORDALLO.
H.R. 1992: Mr. BUTTERFIELD.
H.R. 2060: Ms. HERSETH SANDLIN.
H.R. 2125: Mr. ELLISON.
H.R. 2164: Mr. HOEKSTRA.
H.R. 2297: Mr. FRANKS of Arizona.
H.R. 2303: Ms. HERSETH SANDLIN.
H.R. 2407: Mr. BONNER.
H.R. 2464: Mrs. BONO MACK.
H.R. 2526: Mr. TERRY.
H.R. 2593: Mr. TOWNS and Mr. ELLISON.
H.R. 2734: Mr. MARCHANT.
H.R. 2818: Mr. SHAYS and Mr. MCCOTTER.
H.R. 2894: Mr. FOSSELLA and Mr. HENSARLING.
H.R. 2948: Mr. MILLER of Florida.
H.R. 2990: Mr. MICHAUD, Mr. VAN HOLLEN, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. MORAN of Virginia, Mr. FORTENBERRY, Mr. PEARCE, and Mrs. CUBIN.
H.R. 3001: Mr. LOEBSACK.
H.R. 3025: Ms. WOOLSEY.
H.R. 3037: Mr. INSLEE.
H.R. 3061: Ms. WOOLSEY.
H.R. 3175: Mr. LEWIS of Georgia.
H.R. 3339: Mr. WEXLER.
H.R. 3406: Mr. PAYNE.
H.R. 3457: Mr. WAXMAN and Mr. SCHIFF.
H.R. 3543: Ms. SCHAKOWSKY.
H.R. 3609: Mr. MEEKS of New York and Mr. PAYNE.
H.R. 3681: Mr. ENGLISH of Pennsylvania.
H.R. 3682: Mr. TOWNS.
H.R. 3689: Mr. UDALL of Colorado.
H.R. 3820: Mr. WATT.
H.R. 3828: Mrs. LOWEY, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Mr. FILNER.
H.R. 3852: Mr. BOOZMAN.
H.R. 3892: Mr. FRANK of Massachusetts.
H.R. 3981: Mr. ELLISON, Mr. DOYLE, Mr. WAXMAN, and Mr. GONZALEZ.
H.R. 4044: Mr. NADLER, Mrs. MALONEY of New York, and Mrs. CHRISTENSEN.
H.R. 4054: Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, and Mr. RUSH.
H.R. 4061: Mr. KLINE of Minnesota and Mrs. SCHMIDT.
H.R. 4088: Mr. WILSON of South Carolina, Mr. FRELINGHUYSEN, Mrs. BACHMANN, and Mr. CARTER.
H.R. 4176: Mr. LATTA.
H.R. 4179: Mr. HIGGINS, Mr. GONZALEZ, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4236: Mr. BRALEY of Iowa.
H.R. 4318: Mrs. CUBIN and Ms. GRANGER.
H.R. 4335: Mr. FILNER and Mr. FALEOMAVAEGA.
H.R. 4545: Mr. FILNER, Mr. GONZALEZ, and Mr. CLAY.
H.R. 4651: Mr. PASTOR and Mr. PLATTS.
H.R. 4838: Ms. DEGETTE, Mr. DAVIS of Illinois, and Mr. LEWIS of Georgia.
H.R. 4900: Mr. BOEHNER, Mr. PITTS, Mr. FEENEY, and Mr. KLINE of Minnesota.
H.R. 4926: Mr. FRANK of Massachusetts.
H.R. 4930: Mr. GONZALEZ.
H.R. 4934: Mr. PAYNE.
H.R. 4959: Mr. ELLISON.
H.R. 5058: Mr. SCHIFF.
H.R. 5086: Mr. JOHNSON of Georgia.
H.R. 5124: Mrs. CAPITO.
H.R. 5130: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. PAYNE, and Mr. CLAY.
H.R. 5131: Mr. EDWARDS.
H.R. 5148: Mrs. MCCARTHY of New York.
H.R. 5173: Mr. HINOJOSA, Mr. PATRICK MURPHY of Pennsylvania, Mr. LATOURETTE, Ms. KAPTUR, and Mr. BOUCHER.
H.R. 5244: Mr. MILLER of North Carolina, Ms. ZOE LOFGREN of California, and Mr. FARR.
H.R. 5268: Mr. ALLEN.
H.R. 5434: Mr. PETERSON of Pennsylvania, Mr. LAMBORN, Mrs. MUSGRAVE, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, Mr. HERGER, Mr. POE, Mr. MILLER of Florida, Mr. YOUNG of Alaska, Mrs. CUBIN, Mr. BROUN of Georgia, Mr. WITTMAN of Virginia, and Mr. SAM JOHNSON of Texas.
H.R. 5440: Mr. CAMP of Michigan, Mr. SESSIONS, Ms. GINNY BROWN-WAITE of Florida, Mr. POE, Mrs. CUBIN, Mr. BURGESS, Mr. WITTMAN of Virginia, Mr. MILLER of Florida, Mr. RADANOVICH, Mr. BLUNT, Mr. BROUN of Georgia, Mrs. BIGGERT, Mr. JORDAN, Mr. LOBIONDO, Mr. BUYER, Mr. BARTON of Texas, Mr. HALL of Texas, Mrs. MYRICK, Mr. MCCARTHY of California, Mr. MARCHANT, Mr. SHADEGG, and Mrs. SCHMIDT.
H.R. 5464: Mr. LANGEVIN.
H.R. 5466: Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. ABERCROMBIE, and Mr. CONYERS.
H.R. 5483: Mr. GOODLATTE and Mr. SCOTT of Virginia.
H.R. 5489: Mr. SKELTON, Mr. RAHAL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARSHALL, Mr. ENGLISH of Pennsylvania, and Mr. LINDER.
H.R. 5496: Mr. ELLISON.
H.R. 5505: Ms. SCHAKOWSKY.
H.R. 5510: Mr. HIGGINS.
H.R. 5513: Mr. WESTMORELAND.
H.R. 5522: Ms. WOOLSEY, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. HARE, Mr. HINOJOSA, Mr. HOLT, Mr. KILDEE, Mr. KUCINICH, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mrs. MCCARTHY of New York, Mr. SARBANES, Mr. COURTNEY, and Ms. SHEA-PORTER.
H.R. 5534: Ms. SCHAKOWSKY.
H.R. 5561: Mr. ROHRABACHER, Mr. BUCHANAN, and Mr. BILIRAKIS.
H.R. 5563: Mr. ALTMIRE, Mr. SARBANES, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. YARMUTH, Mr. KILDEE, Mr. HARE, Mr. PRICE of North Carolina, Mr. GRIJALVA, Ms. CLARKE, Ms. HIRONO, Mr. ANDREWS, Ms. LINDA T. SÁNCHEZ of California, Mr. LOEBSACK, Mr. MEEKS of New York, and Mr. BISHOP of New York.
H. J. Res. 68: Mr. WITTMAN of Virginia, Mr. DUNCAN, and Mr. KILDEE.
H. Con. Res. 91: Mr. TOM DAVIS of Virginia, Ms. CORRINE BROWN of Florida, Mr. ALTMIRE, Mr. SHAYS, Mr. HAYES, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mr. WAMP, Mr. KUHL of New York, Mr. SIRES, Mr. GRIJALVA, and Ms. GIFFORDS.
H. Con. Res. 163: Mr. AL GREEN of Texas, Mr. CANTOR, Mr. BAIRD, Mr. FERGUSON, Mr. TERRY, and Mr. GORDON.
H. Con. Res. 244: Ms. HERSETH SANDLIN, Mr. BUYER, Mr. KLINE of Minnesota, and Mr. RYAN of Wisconsin.
H. Con. Res. 263: Mr. TURNER.
H. Con. Res. 266: Mr. MCGOVERN.
H. Con. Res. 290: Mr. MCCOTTER.
H. Con. Res. 302: Mr. GORDON, Mr. HENSARLING, Ms. NORTON, Mr. CARNEY, and Ms. ROS-LEHTINEN.
H. Res. 111: Mr. GRIJALVA.
H. Res. 146: Mr. HINCHEY and Mr. DOYLE.
H. Res. 672: Mr. SHERMAN.
H. Res. 795: Mr. COSTA.
H. Res. 821: Mr. SENSENBRENNER.
H. Res. 838: Mr. KUHL of New York, Mr. WALBERG, Mr. MCGOVERN, Mr. YOUNG of Alaska, Mr. HULSHOF, and Mr. LAHOOD.
H. Res. 865: Mr. SHERMAN.
H. Res. 900: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. HINOJOSA.
H. Res. 959: Mr. LOBIONDO.
H. Res. 977: Mr. DAVIS of Illinois.
H. Res. 981: Mr. HINOJOSA, Mr. TERRY, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. PORTER, Mr. HINCHEY, and Mr. GERLACH.
H. Res. 985: Mr. SMITH of Nebraska and Mr. GORDON.

H. Res. 988: Mr. ENGLISH of Pennsylvania and Mr. TOM DAVIS of Virginia.

H. Res. 991: Mr. COHEN, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. MCHUGH, Mr. COOPER, and Mrs. DAVIS of California.

H. Res. 992: Mr. MCGOVERN and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 994: Mr. MARIO DIAZ-BALART of Florida, Mr. GOODE, Mr. BRADY of Texas, Mr. LAMBORN, Mr. KINGSTON, Mr. MARCHANT, Mr. AKIN, Mr. GALLEGLY, Mr. COBLE, Mr. BURTON of Indiana, Mr. SAXTON, Mr. REGULA, Mr. CARTER, Mr. LUCAS, Mrs. BONO MACK, Ms. FALLIN, Mr. FERGUSON, Mr. COLE of Oklahoma, Mrs. CAPITO, Mr. REHBERG, Mr. ALEXANDER, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. CARNAHAN, Mrs. BOYDA of Kansas, Mr. REYNOLDS, Mr. SALI, Mr. MCCARTHY of California, Mr. GOHMERT, Mr. GORDON, Mr. DENT, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Mr. TIM MURPHY of Pennsylvania, Mr. KING of Iowa, Mr. EHLERS, and Ms. HARMAN.

H. Res. 997: Mr. SMITH of New Jersey, Mr. DREIER, Mr. ANDREWS, Ms. KAPTUR, Mr. HOLT, Mrs. CAPPS, Mr. COOPER, Mr. MCNULTY, Mr. CROWLEY, Mr. ISSA, Mr. ROTHMAN, Ms. JACKSON-LEE of Texas, Mr. FARR, and Mrs. TAUSCHER.

H. Res. 1008: Ms. ROS-LEHTINEN, Mr. HIGGINS, and Mr. BISHOP of New York.

H. Res. 1011: Mr. CHABOT, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. OLVER, Mr. TOWNS, Mr. FATTAH, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. MCNULTY, Mr. PITTS, Mr. GEORGE MILLER of California, and Mrs. MYRICK.

H. Res. 1018: Mr. PLATTS and Mr. LOEBSACK.

H. Res. 1019: Mr. FATTAH and Mr. LEWIS of Georgia.

H. Res. 1024: Mr. FERGUSON, Mr. JACKSON of Illinois, Mr. INGLIS of South Carolina, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mr. WU, Mr. ENGEL, Ms. TSONGAS, Mr. SIRES, Ms. BERKLEY, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 1025: Mr. GILCHREST.

H. Res. 1026: Mr. SKELTON, Mr. HALL of Texas, Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Georgia, and Mr. DONNELLY.

H. Res. 1029: Mr. NEAL of Massachusetts, Mrs. BONO MACK, Ms. WATERS, Mr. PASTOR, Mrs. SCHMIDT, Mr. SESTAK, Mr. MCHUGH, and Ms. SOLIS.

H. Res. 1033: Mr. SHUSTER.

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PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, MARCH 11, 2008 *No. 41*

Senate

The Senate met at 10 a.m. and was called to order by the honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, source of light and consolation, we need You every hour. Our strength is inadequate to meet the challenges of our time, so we place our hope in You.

Strengthen our Senators. Give them knowledge and wisdom to solve the riddles that beset us. Open their minds to think Your thoughts. Make them quick to listen, slow to speak, and slow to anger. May they place themselves under Your control so that You can use them for Your glory. Lead them through life's storms with hope in their hearts. Help them to commit to You everything they think, say, and do today.

We pray in Your transforming Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 11, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be a period of morning business for an hour. Senators will be allowed to speak for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. The Republicans will control the first half, the majority controls the final half. Following morning business, the Senate will resume consideration of S. Con. Res. 70, the concurrent resolution on the budget, for debate only until the 12:30 recess for the caucus luncheons.

MEASURES PLACED ON THE CALENDAR—S. 2738 AND S. 2739

Mr. REID. I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2738) to identify and remove criminal aliens incarcerated in correctional facilities in the United States and for other purposes.

A bill (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

Mr. REID. I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE TAX GAP

Mr. MCCONNELL. Mr. President, after reviewing the budget proposed by the other side of the aisle, one thing is clear: the people who wrote it were more interested in growing the size and scope of Washington spending than in growing the American family's budget. But Americans expect more from government than a $1.2 trillion tax hike and billions of dollars in new spending, especially in these difficult economic times.

But even with a giant tax hike, the new spending in this budget isn't really accounted for. Democrats say they want to ''pay for'' massive spending by—among other gimmicks—closing what they like to refer to as the ''tax gap.'' This is the gap that exists between what people actually owe in taxes and what they pay.

Well, we need only look back at last year to see that Congress hasn't been very successful in attempting to close the ''tax gap''. In 2007, Congress passed the Democrat budget resolution which promised to reduce the tax gap by $300 billion over 5 years. Unfortunately, this promise was never followed up on with actual legislation to make it law and no progress was made.

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In other words, Democrats are counting on a direct deposit from a job they never completed. That doesn't work in the family budget, and it shouldn't work in the Federal budget.

While Congress did enact a few—a few—of the tax gap proposals included in the President's 2008 budget, those amounted to only a tiny fraction of the tax gap, hardly enough to rely upon for offsetting the billions of dollars in the new spending Democrats are proposing. As the ranking member of the Finance Committee reminded the Senate yesterday, the promises didn't come close to matching reality. During the first year of this Democrat majority the enacted tax-gap provisions amounted to two-tenths of 1 percent of the tax gap.

Two-tenths of 1 percent; that is 99.8 percent short of the promised revenue. That is hundreds of billions of dollars short of the revenue they projected to pay for their new Washington spending.

That is not even close, not even in the same ballpark.

There are serious disagreements between the parties on taxes. The other side supports higher rates. We want to keep tax rates low. But we should all agree that people have a responsibility to pay what they lawfully owe.

Over and over again the Democrat majority has failed to enact any sort of serious and substantial strategy for closing the tax gap. And as a result, their numbers simply don't add up. Faulty numbers don't pay the bills, and funds that aren't collected won't shrink the deficit.

So if the budget written by our friends across the aisle is going to rely on these funds to balance the budget, we need to think again, or the family budget is going to shrink to make up for the red ink in Washington's budget.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

THE BUDGET

Mr. REID. Mr. President, the Democratic budget is about three things: jobs, jobs, jobs. It is about green-collar jobs, jobs rebuilding America, jobs relating to education and job training.

The one thing my friends on the other side of the aisle never talk about is where we are now. They want more of the same. We don't want more of the same. We have had enough. The American people have had enough. The economy is in a downturn, spiraling down. The housing market is in a state of tremendous distress. The stock market is dropping as we speak. Oil is now at $109 a barrel.

Everything you hear from the Republicans is a buzzword for status quo—keep things the way they are; the way things are is just fine; let's just let things work out.

We don't believe in that. We have a recipe for change. Is it something that has never been done before? No. Look at the Clinton years, where we were taking in X number of dollars. If we brought in $10, we only spent 8 of those dollars. That is the way it was during the Clinton years. We paid down the national debt.

The budget we have, led by Senator CONRAD, who has been chairman of the Budget Committee for many years, is a program that creates jobs, jobs, and jobs. That is what is important to the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from New Hampshire.

BUDGET ISSUES

Mr. GREGG. Mr. President, I rise to speak about the budget.

First, I express my respect for the people who have worked on this budget, my staff especially but also the Democratic staff, and the chairman of the Budget Committee, Senator CONRAD.

We are, however, in an extraordinarily difficult time as a nation. We confront major issues. We confront international issues involving the threat of Islamic terrorism. We confront domestic issues of even more or equal significance—not equal significance; nothing is more significant than the threat of a terrorist attack with some sort of weapons of mass destruction, but we confront huge domestic issues such as the projected bankruptcy of the Nation. That is a pretty big issue, that is an undeniable fact that is going to occur unless we take some action because of the fact that the baby boom generation is beginning to retire, and the cost they will put on the Federal Government and, therefore, on our children who support them through taxes is going to be extraordinary. We also confront the extremely difficult issue of energy policy and the cost of gasoline. A barrel of gasoline went over $107. It is not projected to come down. The effect on the economy is devastating. We confront the fact that we have a Federal Government which is spending and continues to spend significantly more than it is taking in and, as a result, is spending the Social Security surplus and is significantly adding to the debt of the Nation.

One would hope that in light of these very large issues—the threat of terrorism, the issue of the retirement of the baby boom generation and the fiscal devastation that is going to bring to our children's ability to have an affordable lifestyle, the issue of the cost of energy, the issue of the size of the Federal Government and its growth at a pace which it cannot sustain, the tax on the American people, which gasoline now represents, which is undermining the economy, and the general tax policy of the proposed budget which will undermine it even further—that the Democratic leadership of Congress would have come forward with a budget that showed some imagination, some creativity, some initiative in the area of addressing some of these crucial problems.

Regrettably, what we got was the same old-same old—a budget filled with taxes; a budget filled with spending on this special interest program and that special interest program, a budget which underfunds the national defense, a budget which dramatically increases taxes on working Americans, a budget which dramatically increases the debt of the Federal Government and therefore the debt passed on to our children, a budget which raids the Social Security trust fund, a budget which has no creativity in the area of trying to address entitlement reform, a budget which uses gimmick after gimmick after gimmick and even gimmicks its own gimmicks in the area of pay-go, in the area of discipline, in the area of revenues. To say the least, it should be an embarrassment because it is such a mediocre presentation. It passes the problems on to the next generation. It doesn't confront them. It doesn't even try to confront them and simply aggravates those problems for the next generation.

That is unfortunate because we are running out of time here. We are the generation of leadership, the baby boom generation. We have some obligation to fix the problems we are going to pass on to our children. I believe we have a significant obligation to do that. But this budget doesn't accomplish anything in that area. This budget has one thought in mind. It is not jobs, jobs, jobs, as the majority leader said; it is reelect, reelect, reelect—win the next election rather than trying to solve the problems which we are passing on to the next generation.

The horizon of this budget is somewhere this July, this August, as we move into the full-scale election cycle, when they can go to this interest group and say, we have given you this money, and this interest group and say, we have given you this money, and then deny that they are taxing people because the taxes for those costs won't hit people until after the election and deny that they are fudging the numbers through using gimmicks because those events won't occur until after the election.

It is truly a budget that fails on all counts to take on what is the real issues facing our Nation—how we fight

terrorism, how we support our troops in the field, how we deal with this looming, massive, unfunded liability of the retirement of the baby boom generation which will put unsustainable costs on our children and make their lives essentially less viable in the way of affluence than ours has been, a budget that dramatically increases taxes on working Americans in the name of raising taxes on high-income Americans, a budget that dramatically grows the debt and raids Social Security funds.

This list, as shown here, is what it does. I think I pretty much outlined it. It raises taxes by $1.2 trillion. It dramatically increases spending. I will get into that a little bit. It dramatically grows the debt. It gimmicks its own enforcement mechanisms—pay-go and all the other enforcement mechanisms it allegedly has in place. Then it does nothing to address the $66 trillion unfunded liability, which is such a huge number nobody can understand it. So to try to put it in context, it means, I think, that every American today has a $120,000 debt. This budget adds $24,000 to that debt. This budget does nothing to try to improve that situation.

The chairman of the committee said:

We need to be tough on spending.

The number of spending cuts in the Democratic budget: zero. The number of spending increases: $22 billion over this baseline this year stated on the discretionary side. On the entitlement side: $466 billion—increases in spending. They allege it is $18 billion, but they play another one of their games, another one of their budget games. They take $4 billion in what is known as advanced appropriations—that means they take it out of next year and spend it this year—$4 billion additional doing that.

It has been done in the past. I have opposed it in the past. But this time they plus up the number a little bit so their numbers can work so they can say to their different constituencies: We are going to spend money on you. You can have this money. We got it for you. We are going to borrow it from next year's budget—$4 billion.

Mr. President, $22 billion in new spending. That is a pretty big number: $22 billion. That would literally run the State of New Hampshire for 3 or 4 years. But that is not the whole number because you have to put it in a 5-year context. It is actually over $200 billion of new discretionary spending because once you spend that $22 billion this year, it does not come out of the budget next year, it goes into what is known as the baseline. It becomes the floor, and we build on that.

Last year, they wanted to spend $22 billion more too, so over 2 years they have bumped things up—or tried to bump things up—$44 billion. Plus last year they put in a supplemental for another $21 billion. I know these numbers are starting to be thrown around like crazy here, but the simple fact here is, it is big money—big money—being spent on constituencies that vote for them.

The chairman of the Budget Committee said: I am prepared to get savings out of long-term entitlement programs. How many savings are there out of long-term entitlement programs in this budget? Zero net savings; zero. While the deficit in the long-term accounts goes up dramatically—$66 trillion is owed to those accounts we cannot pay for—this budget adds $466 billion into those accounts. It is a staggering amount of money. There is no attempt to adjust that at all.

Now, it is interesting, we will hear from our colleagues on the other side of the aisle—let me go to this one first, and then I will get into that. The national debt goes up over $2 trillion under this budget. Mr. President, $2 trillion is added to the national debt. My colleagues on the other side: ''I really believe increasing the debt is the threat.'' That is one of Senator CONRAD's great phrases: The debt is the threat. I agree with him. The problem is, he is aggravating the threat with this budget. Now, he does not have too much choice because he is spending so much money we don't have that he is aggravating the debt.

And now, the famous wall of debt chart. It goes up, and goes up dramatically, under this budget. We will hear from the other side of the aisle: But the President's budget does the same thing, or it is even worse. That is a canard. That is a straw dog. The President does not sign the budget. The President is not part of the budget process other than he has an obligation to send a budget up here for the purposes of our review, which is, depending on the President, uniformly rejected by the party in power.

He sends up the budget. He announces what his priorities are. But, uniquely, the budget instrument—and this is an important point—is a child of the Congress. It is a child of the Congress. Congress produces the budget. The Senate produces a budget. The House produces a budget. It goes to conference committee. It comes back to the Senate and comes back to the House. But do you know what it does not do, as with most laws? It does not go to the President to be signed. He cannot veto a budget. He cannot sign a budget. He simply gets a budget in the form the Congress wants. It is a resolution. It is not a bill.

Why is that? Because the Founding Fathers, in their wisdom, and the people who put together the Budget Act—some of whom are still here, Senator BYRD and Senator DOMENICI being two of the key players in that in 1976, I think—knew the power of the purse, which is what the budget is all about, lies with the Congress. The Congress has the first and primary responsibility on the budget.

So when you throw out: Well, but the President did this and the President did that, you are trying to hide in the weeds. Congress has the responsibility for the budget. It is the Congress which passes the resolution that creates the budget, and the President does not sign it at all. So it is the Congress you should turn to and say: You are the responsible party here. Are you being responsible? That is the issue: Are you being responsible as a Congress? This Congress is not being responsible because the big issues we face as a nation are either being finessed, gamed, ignored, or aggravated under this budget.

As I said before, this budget adds $27,000—$27,000—to the debt that each child born today has to pay. So if you are having a child or you just had a child—I just had a niece this year. She is a wonderful little girl. She came into the world. She got a $27,000 bill from the Democratic leadership of this Congress—a pretty stiff bill to stick her with, a pretty stiff bill to stick any American with who is just getting started. It is not fair at all.

Let's get into some specifics about this budget.

First is the allegation that there is some sort of disciplining mechanisms around here. I take this on first because it is such a fraud that it has to be taken on first. I have heard more Senators on the other side of the aisle saying: We are going to use pay-go to discipline the budget, darn it. When we use pay-go, we limit spending around here.

''Pay-go'' is a motherhood term, regrettably. It is a title that has been put on supposedly a procedure which requires you to pay for new spending and to pay when you cut taxes. Well, time and time again, our colleagues on the other side of the aisle, when they were confronted with a choice of actually having to use pay-go—which would have caused them to have to cut spending somewhere in order to increase spending somewhere else—gamed the system. They moved a year here or a year there so they would not be subject to pay-go.

They cut programs from reasonable funding levels such as SCHIP by 85 percent in 1 year, so they would not be confronted—knowing it was never going to happen—so they would not be confronted with pay-go enforcement mechanisms. They took the MILC Program and put it in a supplemental bill so they could build it into the base and not be subject to pay-go.

Time after time after time—15 different times—they gamed pay-go to the tune of $143 billion. I call it ''Swiss cheese-go.'' I think that is a much more truth-in-labeling act. There is no reason we should ever call this thing pay-go again. Let's just call it ''Swiss cheese-go'' because that is what it is. Whenever it is inconvenient for the Democratic leadership to have to subject themselves to their own discipline rules, they waive them, game them, or ignore them.

The first obligation of a national government is national defense. The most important thing about national defense is to make sure your soldiers

who are in the field have the resources they need to do the job we have asked them to do. Whether you agree with what they are doing, you should never send a soldier into the field and not support that soldier with everything he or she needs.

I understand there is a huge debate, especially on the other side of the aisle, as to whether we should cut the legs out from underneath our troops in Iraq. We all understand that. We voted on it here 43 times in this Congress. But there should be no question that those soldiers need the support as long as they are in the field. It is totally inappropriate and a total abrogation of responsibility of the Congress not to support those soldiers in the field.

Now, in this exercise, the White House does not come with clean hands. I was fairly aggressive in complaining about their decision to send up a request for only $70 billion—which is a lot of money, but that is nowhere near what it is going to cost to keep our soldiers in the field over the next year. To their credit, at least, the people at the Pentagon—Secretary Gates, when confronted with that number, said: No, that is wrong. Even though OMB may have sent it up here in the President's presentation, it is wrong. We are going to need something like $150 billion to $170 billion, somewhere between $80 billion and $100 billion more than they have in the budget.

The chairman of the Budget Committee agreed. He said:

> And we know, I think with great certainty, $70 billion is not the right answer for 2009, zero is not the right answer for 2010.

Those are the two numbers the White House had. And Secretary Gates said: No, it is not the right answer, when he was asked. He said: It has to be a higher number.

So the documentation is pretty clear, even if the White House did not send up the right number, by the time we acted—and remember, once again, it is the Congress that does the budget, not the White House—by the time we acted, we should have put a number in here that adequately reflects what our soldiers are going to need to remain safe.

Now, even if you oppose this war vehemently, as some do on the other side of the aisle—to the point where they are willing to take soldiers out next week, which you cannot physically do; we all know it will take 6 months to a year to get the soldiers out of there—with this number, you cannot get the soldiers back with $70 billion, literally. This number does not allow you to get the soldiers back.

What happens with this number is you are going to have our soldiers in the field without ammunition, without resupply, without the facilities they need, and without the equipment they need. This number assumes we are going to leave our soldiers in the field unprotected—unprotected. It is an inexcusable, irresponsible number to put in the budget simply to make your budget look better. This number should have been at least $70 billion to $100 billion higher to have an accurate budget.

Then the budget moves on. We have heard more about how there are uncollected taxes, and if we collect the uncollected taxes, we will solve all our problems. I call it the ''Wizard of Oz'' approach to budgeting. There is somebody behind a curtain somewhere who owes us a lot of money. We are going to find that person. We are going to get the money. That is going to take care of everything. We will all be happy.

Last year, they suggested we do this to the tune of $300 billion. Last year, they were given the benefit of the doubt. They had never done a budget before, so you have to give them some benefit of the doubt. OK. Let's see how much they got. The chairman of the committee again:

> If we just collect 15 percent of the [tax gap]—

That is what is referred to—

> that would be over $300 billion. That alone would come close to meeting the revenues needed under our budget resolution.

That was last year. Do you remember how much they collected last year from the tax gap? Zero. In fact, they cut in their budget the collection capabilities of the IRS. Not only was the IRS not able to go out and collect more money that was owed, they were having trouble collecting what they did get which was owed because their collection process has been cut.

So you would think after such a pathetic performance they would presume not to do this again. It would take incredible—I don't know—verve to claim one more time that you are going to generate these types of revenues. But they do. They do: $300 billion. They are going to get it from out there in the virtual land of tax policy. What they got was zero—zero.

This budget at its essence is a massive tax increase. That is essentially what it is. It is a massive tax increase, the purpose of which is to expand the size of the Federal Government—grow the Federal Government—and, in my humble opinion, as a result, make it much more difficult for us as a government to produce a positive and strong economy and to give people an opportunity to live lives that are as affluent and, hopefully, as successful as prior generations.

The amount of tax increase in the bill is $1.2 trillion—the largest tax increase in history: $1.2 trillion. Under the assumptions of this budget, every tax goes up to rates which were fairly high and which the Congress agreed were too high back in the early 2000s. The marriage penalty goes up. The child tax credit goes up. Rates go up. Capital gains go up. Dividends go up. The estate tax goes up. They are all assumed to go up. AMT is assumed to be continued for every year but this year.

We have a new chart called the ''Wall of Taxes'' because that is what this budget does. It generates a wall of tax increases, climbing every year as a percentage of GDP. It is important to know it has historically been the case that we have presumed the Federal Government would take something akin to 18.2 percent of Gross National Product in tax revenues. That has been the case since the end of World War II. This budget blows through that number. But equally important, it should be noted that in blowing through that number and adding $1.2 trillion in new taxes, it doesn't address the outyear issues which are going to cause taxes to go up even higher. The failure to do anything on entitlement reform and then use up all the revenues to fund this group and that group that you happen to be happy about giving money to for the next election puts you in an even worse position when, hopefully, the Congress gets around someday to addressing the biggest fiscal policy issue, which is entitlement reform.

In addition, it needs to be noted this tax increase of $1.2 trillion is the beginning. It is the beginning of the Democratic proposals. Because if we listen to their two national candidates for President, in the case of one, they have already offered and put in place over $300 billion—$300 billion of new programs in 1 year. That adds up to something like $1.2 trillion of additional programs over 5 years. That is on top of this number.

Now, when Senator OBAMA makes that representation: I am going to add $300 billion of new programs every year, the practical effect is he has to pay for it somehow. His claim is he is going to pay for it by taxing the rich. He is going to tax the rich and pay for his—he actually, ironically, has the same number here: $1.2 trillion of additional spending over that 5-year period. Well, if you tax the rich, which would mean you raise the top bracket from 35 percent to 39.6 percent, which was the bracket under President Clinton, you generate how much income to the Federal Government? Twenty-five billion dollars. Multiply that by 5 years, which is what this number is—the $1.2 trillion Senator OBAMA has suggested we spend in new programs—and you have $225 billion. So he is about $1 trillion short in order to pay for what he is suggesting in new programs.

But there is another irony. This tax number already assumes that $225 billion. This tax number assumes the rates have been increased to 39.6 percent for the top income brackets, with the practical effect of that being it has already been spent. This budget already spends the money and the tax revenues candidate Senator OBAMA has suggested he is going to spend on his new programs. So he doesn't have any money available to him.

So now we have a Democratic budget which increases taxes by $1.2 trillion, increases spending dramatically, as I have gone through already, and then you have layered on top of that a national candidate—two national candidates, because Senator CLINTON is

not far behind Senator OBAMA in suggesting new programs—who is going to add another $1.2 trillion on top. The numbers become staggering. But what does it all translate into? Huge tax increases on working Americans—huge, absolutely staggering.

To try to put this in context, without the Obama tax increases or the Clinton tax increases, 27 million small businesses in this country, under the Democratic budget, will see their taxes go up $4,100 each per year. Now, you can double that if Senator OBAMA were to put in all his programs. Eighteen million seniors will see their taxes jump $2,200 each because of this budget—$2,200 each. That is a lot of money.

Let's try to put that in context. That basically buys groceries for most Americans for, I think it is half a year. It certainly buys a fair amount of gas, although not as much as we would like because the price of gas is so outrageous. It certainly helps with a mortgage payment or maybe a child going to school or helping a grandchild go to school in the case of a senior. But serious money: $2,200. That is what this budget in new taxes is going to cost average seniors in this country.

Something else should be pointed out. This budget assumes the capital gains and dividend rates are going to go up, and the primary benefit of capital gains and dividend rates flows through senior citizens. As a percentage, seniors take more advantage of dividend rates and more advantage of capital gains than any other demographic group. So it is directly targeted on the tax increase.

All of this works out to—for the average American family, there is a $2,300 tax increase in this bill, and that doesn't include how much it would be increased if you were to put the Obama or Clinton programmatic initiatives on top of that. It would almost double this number. The appetite to raise taxes on the other side of the aisle is unquenchable. It is huge. Let's put it that way. It is unstoppable, it appears. When this budget passes, John Q. Public is going to have to write Uncle Sam a check for $2,300. That is a pretty expensive experience for the American people.

What do they get for it? What do they get for it? Let's come back to what they get for it. Not a lot. Do they get the troops properly supported when they are fighting for us overseas? No. No, they are $100 billion short on that. Do they get entitlement reform that helps us down the road with the pressure that is going to be put on our children by the cost of the expansion of the entitlement programs due to the retirement of the baby boom generation? No. No, they don't get that. Do they get health care reform? No. There is no health care reform in here. Do they get tax reform? No. There is no tax reform in here. Do they get programmatic initiatives which make sense and which are presented in a coherent and orderly manner? Are there programs eliminated that have maybe been around too long in exchange for adding programs? We have study after study that tells us about programs we can eliminate. No, not one program is eliminated in this budget—just an expansion. Just add to the base; bump it up another $200 billion over the next 5 years and pass that bill on to our children.

Passing the problem on, that is what this budget is. Courageous? Creative? Imaginative? Addressing the core issues which we confront as a nation and which do threaten us, whether it is terrorism, the cost of energy, the cost of the Government, the retirement of the baby boom generation? These issues are not going away, but you wouldn't know they even existed if you looked at this budget. It is a regrettable missed opportunity in a very difficult time. It is unfortunate that all it has become is your classic liberal tax-and-spend initiative.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I wish to welcome back the ranking member of the Budget Committee. I have listened with great interest to his presentation this morning, a highly imaginative presentation. It is highly imaginative. The presentation he has made that purportedly is about the budget we have offered has virtually nothing to do with the budget that is before us. It is largely a concoction, although I must say when he talks about creativity, I give him high marks for creativity because this is complete make-believe, what we have heard from the other side, in terms of a description of what is on this floor.

Maybe a good place to start is to look at what the Senator said last year about our budget because it is almost identical to what he has said about this year's budget. He said last year we were going to have $1 trillion of tax increases if our budget passed. Well, our budget passed, and now we can go check the record. We don't have to have a bunch of projections or suggestions about what might happen; we can now look back and see what actually did happen. Last year, the Senator from New Hampshire, the ranking member of the Budget Committee—by the way, for whom I have high regard. We work together very closely. We have substantive differences, as will become more clear as these days wear on, but I have high regard for the Senator from New Hampshire.

But let's check the record. Did we increase taxes, as he asserted would happen last year, by $1 trillion? No. Did we increase taxes at all? No. Did we cut taxes? Yes. How much did the Democratic Congress cut taxes? Well, here it is. It is not a projection. This is not make-believe. This is a fact. The Democratic Congress has cut taxes $194 billion, with $7 billion of revenue raisers. So that is the factual record with respect to tax cuts. The Democratic Congress cut taxes by $194 billion, most of this in the stimulus package passed to give lift to the economy.

Now, the Senator talks about where we are headed under this budget, but perhaps the best way to anticipate where we are headed is to look back and see where we have come from. When they controlled everything—they controlled the House, they controlled the White House, they controlled the Senate—here is their record. Here is what they did. They started with budget surpluses, and they ran up record deficits. You can see this is the record of the Bush administration: $413 billion was the biggest deficit in the history of the United States. In fact, they have five of the biggest deficits in the history of the United States. That is their record. Revenue was flat. They increased spending about 50 percent, and the result was they have exploded the debt of the United States. Again, this is not a projection. This is not a forecast. This is their record.

Our friends controlled it all. They controlled the White House, they controlled the Senate of the United States, they controlled the House. Here is what happened to the debt. They have built a wall of debt that is unprecedented. They took us from a debt at the end of the President's first year of $5.8 trillion. They have run it up to over $9 billion last year, and by the end of 2009, which will be the 8 years this President is responsible for, they will almost have doubled the debt of the country in 8 years. It is a stunning record, and I don't mean stunning in a good way.

Now, the Senator from New Hampshire says we have this massive increase in spending. Well, not in this budget. That is not the case. Here is a chart that shows the President's spending, which is the red line. The green line is the spending under this resolution. This is over the 5 years of this budget. You will see that they are very close to each other. In fact, the difference in spending over the 5 years between our budget and the President's budget is 2.1 percent. We have 2.1 percent more spending than the President's budget. Why? Because we have restored cuts he made in things such as the COPS Program that has put 100,000 police officers on the street. The President's budget eliminates the COPS Program. The President's budget eliminates the weatherization program in this country, a program to go back and weatherize homes so they are more energy efficient. He says: No, we don't want to do that anymore. The President's budget cuts the grants to first responders, our emergency medical personnel, our ambulance crews, and other first responders, including our firefighters, and cuts those by 78 percent. We didn't think that was a good idea.

So, yes, we do spend some more. We also spend more to reduce our dependence on foreign energy because we think that is a smart investment. We do spend some more on education because we think that is critical for the

future strength of the country. And we do spend some more money on infrastructure because we don't want any more bridges collapsing, as we saw happen in Minnesota, where the bridge over 35W collapsed with people on it.

So, yes, we spend 2 percent more over the 5 years. For this year, the total spending in the President's budget is $3.04 trillion, and in our budget it is $3.08 trillion. That is a difference of 1 percent.

All this great spending the Senator just described—the problem is the facts. The thing that gets in the way of his recitation is the facts. The facts are that we spend 1 percent more than the President in 2009.

The Senator also said we have not been responsible with the troops. Let me just indicate that if we have not been responsible, then the President hasn't been responsible either because we have the identical amount in our budget for defense and the war as the President had in his budget—identical, not a dime of difference. So if we have been irresponsible, then the Senator is saying the President has been irresponsible because we match him dollar for dollar.

The Senator said something that is quite jarring. Do you remember what he said about the President's role in the budget? He said the President doesn't have anything to do with the budget. Really? The President of the United States has nothing to do with the budget of the United States? I don't think so. The President sends us a budget. If you look at the historic record, what you find is that Congress gives the President, in the budget, very close to what he asks for. That is the record going back 40 or 50 years.

Now, he added to that by saying the President cannot veto or sign a budget. That is true. The way the process works is the President sends us his budget, and then a budget is developed by Congress that does not go to the President for his signature or his veto; that is true. But to suggest that the President really doesn't have anything to do with the budget, that is not true.

The President sends us his budget blueprint, and then he has the power of the veto to enforce all of the provisions that flow from a budget. He can veto any appropriations bill; those are the bills that spend money. He can veto any revenue bill; those are the bills that raise money. So to suggest the President doesn't have anything to do with the budget is really misleading to people. I think if you just think of it in a commonsense way, of course the President of the United States would have a lot to do with the budget policy of the country. He should have, and he does have. It is true he does not sign the budget resolution. He cannot veto it. But he does have the capability to enforce its spending and its revenue because he has the power of the veto.

Let's look at the question of revenues. Again, our colleague said we are going to raise taxes a trillion dollars. That is exactly what he said last year: Democrats are here to raise your taxes a trillion dollars. I think he just likes that number. It doesn't matter what budget we present; he says a trillion dollars. I have already shown that what Democrats have done once we have controlled the House and Senate was actually reduce taxes by $194 billion. That is our record so far. That is a fact. There is additional revenue in our proposal over the 5 years. You can see the difference. On this chart, our revenue line is the green one, and the President's is the red line. You can see they are very close. If you look at the numbers, over the 5 years of this budget, the President has $15.2 trillion in revenue; that is the proposal he sent to us. We have $15.6 trillion in revenue. That is a difference of 2.6 percent.

I don't know where the Senator comes up with this trillion dollars because that is not our proposal. Our proposal—when the Baucus amendment is adopted—is to raise $15.6 trillion, in comparison to the President's $15.2 trillion, which is a difference of 2.6 percent.

Now, the other day the Senator put up a sign that said—he quoted me in a ''60 Minutes'' interview saying that the first thing we need is more revenue. That is true, I did say that. They didn't include the whole quote. Here is the whole quote from the transcript. Steve Kroft is talking to me, and he is asking me about the head of the General Accounting Office, who is warning the country that we are on an unsustainable course because of the long-term commitments that have been made. He says:

What do you think about David Walker and what he's doing?

I said:

I think David Walker is providing an enormous public service.

Mr. Kroft asked:

Do you agree with his figures and his projections?

I said:

I do. You know, I mean, we could always question the precise nature of this projection or that projection, but that misses the point . . . The larger story that he is telling is exactly correct.

Mr. Kroft:

Are most people in Washington aware of how bad it is?

I said:

Yes, they know in large measure here, Republicans and Democrats, that we are on a course that doesn't add up.

This is one place Senator GREGG and I are in complete agreement—that we are on an unsustainable course.

Mr. Kroft asked:

Why doesn't somebody do something about it?

My answer:

Because it's always easier not to, because it's always easier to defer, to kick the can down the road. . . .

Mr. Kroft asked:

Do you think taxes ought to be raised?

My response:

I believe, first of all, we need more revenue.

But then the Senator didn't include the next sentence:

We need to be tough on spending. And we need to reform the entitlement programs. We need to do all of it.

That was my answer. I believe it is the truth.

Not only have I said that, but Senator GREGG has said we need more revenue. Senator GREGG himself said:

We also know revenues are going to have to go up, if you are going to maintain a stable economy and a productive economy, because of the simple fact that you are going to have this huge generation that has to be paid for.

He is talking about the baby boom generation.

So if we are going to be honest with the American people, we do need to be tough on spending, we do need to have more revenue. I have said repeatedly that before we ask for a tax increase from anyone, we ought to go after the tax gap, the difference between what is owed and what is paid. The Internal Revenue Service says that back in 2001 that gap was over $300 billion in a year. I think it is unfair to the vast majority of us who pay what we owe to allow others to escape.

But it doesn't end there. We also have offshore tax havens. Our Permanent Subcommittee on Investigations has indicated that we are losing $100 billion a year to those offshore tax havens. We have had an additional report in the last 2 weeks of more of these tax havens proliferating. If you go on the Internet and put in ''offshore tax havens,'' you will get a million hits because there are a lot of con jobs going on. We ought to shut them down before we ask for a tax increase from anyone.

In addition, there are these abusive tax shelters, where some companies are actually buying European sewer systems and writing them off on their books in the United States to lower their taxes and then leasing the sewer systems back to the European cities that built them.

Mr. President, the Senator also went after the pay-go rule. He calls it ''Swiss cheese-go,'' which is humorous, and I always appreciate the humor. But let's give both sides of the story.

The pay-go rule says that if you are going to have new mandatory spending or tax cuts, they must be offset or must get a supermajority vote. This is a means of disciplining the budget process that has worked well in the past. We have instituted it.

When Senator GREGG was in charge of the Budget Committee, he said this about pay-go when he supported it:

The second budget discipline, which is paygo, essentially says if you are going to add a new entitlement program, or you are going to cut taxes during a period, especially a period of deficits, you must offset that event so it becomes a budget-neutral event that also lapses. If we do not do this, if we do not put back in place caps and paygo mechanisms, we will have no budget discipline in this Congress and, as a result, we will dramatically aggravate the deficit, which will

impact a lot of important issues, but especially Social Security.

He had it right when he was an advocate for pay-go.

We had a strong pay-go rule from 1991 to 2000. We climbed out of the deficit ditch. We produced surpluses. And then our friends came into power, and in 2000 they dramatically weakened pay-go, and look what happened. We went right back to an ocean of red ink. We have now put pay-go back into effect, since the 2004 elections. Let's look at the record. The number of times pay-go was raised was 13. The number of times pay-go was waived was zero. Pay-go was raised 13 times and waived zero.

Pay-go is working. Excluding the AMT legislation that passed last year, the Senate pay-go scorecard has a positive balance of $1.3 billion over 11 years. Every bill sent to the President—other than AMT and the stimulus package just passed—has been paid for or more than paid for. Pay-go also has significantly produced a deterrent effect. Anybody who doubts that should sit in my seat for 1 week and see the number of times colleagues decide not to offer spending proposals because of the pay-go rule.

On the other side, they have said that there is $143 billion that they claim pay-go has been violated. Let's look at each one of their claims. And I only have 2 minutes left before Senator STABENOW will be taking over.

Immigration reform. They claim there is a $30 billion loophole. In fact, zero. The immigration reform bill never passed the Senate. Remember, the test is what goes to the President of the United States. The bill never went to the President of the United States.

The energy bill—the final bill that was sent to the President—was more than paid for. They claim a $4.2 billion shortfall. In fact, it was more than paid for and had a surplus of $52 million.

Mental health parity. That bill hasn't yet gone to the President. They are claiming a $2.8 billion shortfall. That bill hasn't gone to the President; it is still in conference. The promise has been made by the conferees that it will comply with pay-go.

The prescription drug user fee amendments. The final bill sent to the President was more than paid for. They are claiming a $200 million shortfall. In fact, it was $4 million to the good.

The minimum wage increase was fully paid for on a unified basis. They claim a $50 million shortfall. In fact, it was zero.

The Water Resources Development Act. The final bill sent to the President was more than paid for. It passed the Senate on a vote of 81 to 12.

Other items they have mentioned. The children's health insurance reauthorization was more than paid for over 6 and 11 years. They claim a $45 billion shortfall. In fact, it is a savings of $207 million.

The farm bill—more than paid for over 6 and 11 years. By the way, that has not yet gone to the President. They are claiming a $27 million shortfall. In fact, there are savings.

Higher education reconciliation—more than paid for over 6 and 11 years. They show a $26 billion shortfall. In fact, the savings will continue to grow in decades beyond the budget window, and over 6 and 11 years that bill is completely paid for.

The 2007 supplemental, county payments, payment in lieu of taxes, and MILC. They claim a $6.5 billion shortfall.

The pay-go rule applies to mandatory spending and revenues, not to appropriated accounts. Discretionary is controlled by separate caps.

The 2008 budget resolution established a new 60-vote point of order to limit changes in mandatory spending on appropriations bills and to strengthen pay-go even further.

They call pay-go ''Swiss cheese-go.'' Their pay-go was ''easy cheese''—''easy cheese'' because what they allowed under their pay-go was for the debt to explode. No forecast, no projection, just the facts, just the record. They have increased the debt from $5.8 trillion to over $9 trillion today, and under the President's proposal, it is going to go to over $10 trillion. That is the record.

We have now reached the 11 o'clock hour. Senator STABENOW is going to take the chair, and there are other Senators awaiting recognition. We have a meeting to try to determine where we go with the rest of the day. But I hope we have a good, substantive debate. I look forward to it.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the pending business?

Ms. STABENOW. Mr. President, if I may, since we are on the resolution, I yield time——

The ACTING PRESIDENT pro tempore. There is 7½ minutes remaining in morning business.

The Senator from Montana.

TANKER PROCUREMENT

Mr. BAUCUS. Mr. President, Americans have important expectations for their public servants. They expect us to act for the common good. They expect us to advance our common values. But first and foremost, they expect us to have common sense.

Last week's Department of Defense tanker procurement decision raises serious questions of common sense.

As some of my colleagues have already discussed, the Defense Department last week awarded a $40 billion contract for a new generation of Air Force tanker aircraft to the European Aeronautic Defense and Space Company, or EADS, the parent company of Airbus.

Receiving this major contract is an enormous victory for the European company. It is a victory for thousands of French, German, and Spanish Airbus workers this contract will employ. It is also a victory for U.S. contractors who will work on the project. Yet I have serious questions about whether this is a victory for good American policy or American common sense.

My concern for this deal is not over the Defense Department's procurements. I leave that to my colleagues on the Appropriations Committee. I do not question the merits of one tanker plane over another. I leave that to my colleagues on the Armed Services Committee. But I certainly am concerned and have serious questions about this deal from the perspective of international trade. This responsibility falls to me as chairman of the Senate Finance Committee.

The United States values competition and acknowledges the right of foreign companies, such as EADS's subsidiary Airbus, to pursue American markets and customers. American consumers, including the Federal Government, should have the right to buy the product that best suits their needs. That is only fair.

But Airbus is not just another company competing in open markets on the merits of its products. It is not just a commercial venture. Rather, Airbus is the product of four decades of explicit government-industrial policies to create a European aircraft industry, an industry designed not just to compete with American companies but to defeat them with massive government funding. Don't take my word for it. Former French Prime Minister Lionel Jospin himself publicly pledged:

> We will give Airbus the means to win the battle against Boeing.

True to Mr. Jospin's promise, decade after decade, project after project, European governments have injected massive amounts of subsidies into Airbus, including $15 billion in launch aid.

These subsidies underwrote between 60 percent and 100 percent of Airbus's commercial aircraft development costs, including the A330 aircraft on which this tanker aircraft is based.

These subsidies allowed Airbus to develop aircraft under terms unavailable to unsubsidized market participants or, as a former British Trade and Industry Secretary boasted:

> We are not standing to one side and leaving everything to the market. . . .

In fact, European subsidization of Airbus was so extreme and so anti-competitive that 3 years ago, the U.S. Trade Representative initiated a dispute settlement case in the World Trade Organization. The USTR does not file these cases frivolously. They do so when the damage is real, the case solid, and all other means of resolution have failed.

This case is still ongoing. A WTO panel is currently weighing the facts of the case, the effects of these subsidies on our aerospace industry, and the compatibility of these subsidies with international trade laws.

What defies common sense to me is that one arm of the administration,

the U.S. Trade Representative, argues subsidies to Airbus hurt our companies, skew global markets, and violate the rules of the game. Yet another arm of the administration, the Defense Department, rewards a subsidized company with a $40 billion contract to purchase illegally subsidized aircraft.

That is the kind of Government decisionmaking that does not add up. It is not common sense, and it raises serious and fundamental questions about how this administration goes about its business.

Does the right hand of the Government know what the left hand is doing? Does one agency respect international rules and their effect while the other one does not? What was USTR's role in this procurement decision? And why did the Defense Department appear to have disregarded it? These and other questions need answers, and I look forward to pursuing these answers with my colleagues.

Until we hear a full accounting of this issue, I am left with an uneasy feeling that last week's decision by the Defense Department does little for the common good or common sense.

Mr. President, I wish now to speak on an amendment I am going to offer when we get to the budget resolution. I will offer the amendment when we are on the resolution. I can either make my statement now or wait until we get to the resolution.

The ACTING PRESIDENT pro tempore. Time is expired.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 70, which the clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I wish to speak on the budget resolution and about an amendment I will offer when that amendment is in order. As I understand, that will be after the luncheon hour.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAUCUS. Mr. President, the author and poet, Cervantes, had a character say:

My wages . . . I have earned with the sweat of my brows.

And so it is with America's hard-working families. They have earned their wages with the sweat of their brows. This afternoon, along with a number of other Senators, I intend to offer an amendment that would take the surplus in the budget resolution and give it back to hard-working American families who earned it.

First, our amendment makes the 10-percent tax bracket permanent. That is a tax cut for all taxpayers.

Second, we are making permanent changes to the child tax credit. That is a $1,000 tax credit per child. This tax credit recognizes that a family's ability to pay taxes decreases as their family size increases. Unless we act, the child tax credit will fall to $500 per child in 2010.

We are making permanent the marriage penalty relief. Couples should not pay more taxes because they are married. This relief makes sure a married couple filing a joint return has the same deductions and tax brackets as they would if they filed as individuals.

We are making permanent the changes to the dependent care credit. This credit is important to working families. It recognizes the increased cost of child care for thousands of Americans, especially child care for households where both parents work outside the home.

We are making permanent the changes to the adoption credit. Most adoptions cost more than $20,000. This provision offers a credit of $10,000 for those willing to give a child a home.

This amendment is also important because in it we believe it is important to pause and reflect on the sacrifices our men and women in uniform make for us every day.

Nearly 1.5 million U.S. service men and women have served in Iraq, Afghanistan or both. Nearly 30,000 troops have been wounded in action.

In September, I went to Iraq. I was impressed by what an amazing job our troops are doing. It is astounding. I met many Montanans from small towns such as Roundup and Townsend. I saw firsthand what a heavy burden our troops bear for all of us. They face hardships, they face danger, but they keep at it every day. Today, one small way to support them is to make the Tax Code a little more troop friendly. We can extend the special tax rules that make sense for our military that expire in 2007 and 2008. We can also eliminate roadblocks in the current tax laws that present difficulties to veterans and servicemembers.

One problem this amendment would address is how the Tax Code treats survivors of our fallen heroes. The families of soldiers killed in the line of duty receive a death gratuity benefit of $100,000. But the Tax Code restricts survivors from putting this benefit in a Roth IRA. Today, we can make sure family members of fallen soldiers can take advantage of these tax-favored accounts. Another hazard in the tax laws impedes our disabled veterans. I am thinking of the time limit for filing for a tax refund. Most VA disability claims filed by veterans are quickly resolved, but many disability awards are delayed due to lost paperwork or the appeals of rejected claims.

Once a disabled vet finally gets a favorable award, the good news is the disability award is tax free, but the bad news is many of these disabled veterans get ambushed by a statute that bars them from filing a tax refund claim. Today we can give disabled veterans an extra year to claim their tax refunds.

Most troops doing the heavy lifting in combat situations are the lower ranking, lower income soldiers. Their income needs to count toward computing the earned-income tax credit, or EITC. Under current law, however, income earned by a soldier in a combat zone is exempt from income tax. This actually hurts low-income military personnel under the EITC.

The EITC combat pay exception allows combat zone pay to count as earned income for purposes of determining the credit. That way, more soldiers qualify for EITC. But this EITC combat pay exception expired at the end of 2007.

The EITC is a beneficial tax provision for working parents. It makes no sense to deny it to our troops. Today we can help to make combat duty income count for EITC purposes.

In this amendment, we are making permanent provisions to allow combat pay as earned income for purposes of the EITC. This amendment allows hard-working, low-income military personnel to get the full benefit of the EITC.

A soldier's rucksack is heavy enough as it is without loading it down with tax burdens. We owe the soldiers fighting in our Armed Forces an enormous debt of gratitude. This amendment is one small way we can salute our men and women in uniform for all they do.

Also in this amendment, we are giving some certainty to American families on the estate tax. Lowering the estate tax to 2009 levels is the least we can do as we move toward estate tax reform. This is the minimum that we can and will achieve.

And we are committed to exploring what more we can do. We are conducting thorough studies of the issue in hearings on that subject this week.

I plan to offer a second amendment that would dedicate enough additional funds to estate tax reform that we can achieve a $5 million exemption and a 35-percent rate.

Through these efforts, Congress will show that we support America's small businesses, ranchers, and farmers. Today's amendment also helps to address the housing crisis. Our amendment would allow middle-income taxpayers who do not itemize their deductions to nonetheless get a tax deduction for property taxes. That would give some relief to hard-strapped homeowners.

Now, this amendment will not do everything. But we will do more. As

chairman of the Finance Committee, I am fully committed to tax reform. Tax reform can mean giving tax relief to American families and businesses through simplification and sound tax policy.

This year, the Finance Committee will do the spade work. We will hold hearings and prepare for the fundamental tax reform that we all want and expect next year, so when the next President takes office, he or she will make a major recommendation to the Congress on tax reform. We are holding hearings on that so we are ready.

But today the amendment we will offer shows our commitment to American families. American families earned their wages with the sweat of their brows. This amendment takes the surplus and gives tax relief to those hard-working families. It is no less than what they have earned.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to talk about the Senate budget resolution. This is going to be considered for an entire week. It does provide the American people with Congress's blueprint for spending and fiscal policies and priorities. And while not binding, it does establish the direction for later consideration of our appropriations bills.

I, like many of my colleagues, have been reviewing the chairman's mark that came out of committee and the results from last week's markup. I am impressed with parts of this budget. There are some priorities in here that I share with the chairman and the committee. It fully funds the defense budget. It fully funds NASA, including the additional $1 billion that Senator MIKULSKI and I sought last year to reimburse the agency for the *Columbia* disaster, because we know NASA has been pulling from operating funds to repair the damage done from the *Columbia* disaster, and this has kept it from keeping up its research commitment.

We cannot have an agency that is supposed to be doing the state-of-the-art research and pushing the envelope not only in aeronautics but in science and medicine. Yet we have a billion-dollar shortfall taken from the research that could fuel scientists for years to come.

It funds the America COMPETES Act, which improves education, and that is such an important priority for us to remain competitive. We need more of our young people to go into science and engineering, the physical sciences, the hard sciences.

We are losing our edge in this global marketplace. Congress, in a bipartisan way, did pass the America COMPETES Act, and there is funding for much of that in this bill.

We must extend the sales tax deduction, which is a provision that is close to my heart because my State and seven others have a sales tax but no State income tax. So we believe it is a matter of equity that sales taxes be deductible, rather than just the State income taxes which is available to all of the other States but not available to the seven States that do not choose to fund their Government with an income tax.

These parts of the budget deserve our attention and support. However, this budget has a major flaw. Before long the budget had increased $22 billion above the President's request. We have now found that over the period of time that it has languished in the Senate committee, we are now looking at what appears to be a ballooning of that increase in spending. Yet the budget projects a surplus of $177 billion in 2012, $160 billion in 2013, and yet the budget has increased by $210 billion over 5 years.

Now, how can we have this increase in spending and yet still have surpluses? My economics 101 tells me there has to be a catch because we know there is no free lunch. So in addition to the large spending increases, the budget includes the largest tax increase in the history of America, $1.2 trillion. The budget allows the incredibly beneficial tax cuts from 2001 and 2003 to expire.

Now, these are the tax cuts that spurred our economy and created millions of new jobs in our country. It spurred the growth in our economy. When these tax provisions expire, 43 million families with children will have to pay an average of $2,300 more each year, and 18 million senior citizens will owe $2,200 more on average. Twenty-seven million small businesses, the engine of economic growth in America, will owe $4,100 more in taxes on average. Almost 8 million low-income workers will be added back to the tax rolls.

Especially during this time of economic uncertainty, why would we ask our fellow citizens to pay more and rob the jobs that have been created with the tax cuts of 2001 and 2003?

The first thing we did when we saw the slowing economy was, on a bipartisan basis, have an economic stimulus package. And what was the crux of the stimulus package? It was to give money back to the people who have paid taxes in rebates to help spur the economy. So why would we turn around in this budget and increase taxes and ask the people to whom we just gave rebates, that will be in the mail in the next 6 weeks, to pay more?

Consider what a $2,300 tax burden would pay if the average American family could keep the money they earned in that amount: groceries for about 8 months, health care expenses for about a year, electricity and home heating oil for about a year, and gasoline for the car that we know is now rising as we speak.

How can we consider taking money away from families when we are seeing the strain of this economy be a burden on those same families? This budget makes great promises for American families, but it also pulls the rug out from under them by saying: Here is the burden we are going to give to you to pay for this big Government spending budget.

So I hope as we consider the budget this week that we will take a serious look at keeping some of the major priorities, but having the good sense to cut in other places or to remain steady in other places where there is not the essential need right now. We do need a budget that looks out and says for the long-term competitiveness and vitality of our country and our society and our work concerns and our work force: We do need to spur investment. We need to spur research. We need to have more engineers and scientists graduating from our universities, and we can do that by funding NASA fully, by funding the American COMPETES Act. We must do that for the long term. But why not do what every family in America does when we have essential needs for long-term planning, but we are on a limited budget and we want to bring down that deficit? And that is, make choices.

Can we not come together and make choices just as we came together for the stimulus package? The last thing we want to do, since we did pass a bipartisan stimulus package which the President's supported, is to wipe it all out and say: Well, we are going to give you back a little bit but we are going to take more. We are going to take more at a time when we know America is a little jittery about the economic condition and looking to the future of the economy and our country.

I hope we will do what we can on a bipartisan basis and hash out what the priorities are and that we can have the priorities in spending without the ballooning budget and the tax increases they propose to pay for this ballooning budget.

We do not need tax increases. We need to make the tax cuts permanent that have helped so many people get back to work, get on their feet, small businesses make investments, and keep our economy going when this home mortgage crisis is trying to sort itself out.

Unless we can make some major changes in this budget, I cannot imagine supporting it. But we do have time. We do have time to do the right thing. I am hoping we go through the amendment process, that we make the choices that will take the taxes out, will put the priorities in, and will get our 10-year plan started that will create jobs, that will create more opportunities for scientists and engineers to graduate from our colleges and universities and have good careers, solid careers, because we have made the right investments in 2008.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, in a moment I am going to yield to Senator

WHITEHOUSE, but I do want to respond for a moment because what my friend from Texas is talking about, frankly, in terms of focusing on middle-class families, is exactly what this budget does. It will be enhanced by the Baucus amendment, that takes surplus dollars that are in the budget and targets them right back to middle-class families, putting dollars into their pockets in terms of extending the middle-class tax cuts that we all support.

But we also do more than that. We focus on jobs. We focus on health care, investing in education and opportunity for the future. We are not more of the same. This budget resolution is not more of the same of what has been occurring since 2001, in the last 8 years, particularly 6 years of that when we have seen our colleagues on the other side of the aisle and the White House basically controlling all of the agenda in terms of the priorities in the budget and spending and so on.

We create a budget that offers a change, a set of priorities based on the values that are important to the American people, American families, American jobs here, investing here. Let me first say, overall, we have a situation where basically we have seen, under this President, more debt, more tax cuts for the wealthy, more spending in Iraq, less investment in America. That is what we have seen.

In listening to the outline of what I understand will be a Republican budget alternative that will be presented this week, it is more of the same. It is more of the same. We want to reduce that and balance the budget by 2012, focus tax cuts on middle-income workers, hard-working Americans who have not seen tax relief or investments in their future and in their children's future.

We want to refocus. Instead of talking about the spending in Iraq, we want to be focused on spending at home. We have somewhere near $12 billion to $15 billion a month being spent right now in Iraq. Even though we know the Iraqi Government is receiving dollars in oil revenues, we continue to be the ones investing in rebuilding their communities and their jobs, their infrastructure.

Our budget invests in America—American jobs, American families, American communities. I am hopeful we will see a strong vote for the budget resolution we are presenting.

I now yield up to 30 minutes to my friend and colleague from Rhode Island, Senator WHITEHOUSE.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I salute the leadership and the energy of the Senator from Michigan in this area. The Senator is clearly passionate about the economic issues we see across the country but those that particularly affect her State. There is not a person in this body who is not aware of how deeply she cares and how hard she fights for the people of Michigan. I am pleased to join her on the floor.

Last month we received the President's budget request for fiscal year 2009. I am a member, like Senator STABENOW, of the Budget Committee. This is the last budget we will receive from President Bush, and I think it is an opportune time to look at how this administration's policies have affected our economic circumstances and how average Americans will suffer as a result.

The Bush policies have generated what deserves to be known as and what I will call today, ''the Bush Debt,'' a legacy of indebtedness that will burden our children and grandchildren for generations to come and cost us the opportunity to help millions of Americans all over this country lead lives of promise, prosperity, and happiness. As I have traveled across my State, Rhode Islanders have told me over and over their stories about struggling to make ends meet—from seniors stretching fixed incomes to pay for prescription drugs and housing to working families trying to heat their homes and send their children to college. Yet President Bush in his budget for fiscal year 2009 has proposed deep cuts to Medicare, deep cuts to home heating assistance for low-income families, and deep cuts to Federal student aid, weakening access to citizens' basic needs.

The administration cites the need for fiscal discipline. The President says discipline is necessary to address our Nation's growing budget deficits. What the President does not say—and probably never will say—is that his own ill-advised, misguided policies created those record deficits. It did not have to end this way. But it did, and the President must bear the responsibility.

Seven years ago this January, George Bush stood on the western steps of this hallowed building and took his oath of office as President of the United States. In his first address to the Nation, George Bush pledged to call for responsibility and try to live it as well. After a divisive election, many Americans found comfort and hope in those words. On the budgetary front there was good reason for optimism on that cold January morning. After decades of deficit spending, bipartisan cooperation between President Clinton and a Republican Congress had set the Nation on its healthiest fiscal path in generations. After 28 straight years of multibillion dollar budget deficits, our Nation saw surpluses beginning in 1998. In President Clinton's last full year in office, we saw the largest budget surplus in our Nation's history—$236 billion.

The good budgetary news wasn't behind us. The month George Bush moved into 1600 Pennsylvania Avenue, the Congressional Budget Office, the nonpartisan accounting arm of Congress, projected we would see surpluses straight through the decade. These budget surpluses, the product of responsible governing—some might even say fiscally conservative governing—were projected to be enough to completely wipe out our national debt by 2009. Let me say that again: to completely wipe out our national debt by 2009. In other words, the hard work had been done. If President Bush had stayed the course of fiscal responsibility, he could have been the first President of the United States since Andrew Jackson in 1836 to govern a debt-free United States, an America with the power and the freedom to support its people as they sought new opportunities and new frontiers. Imagine that.

This President's fiscal year 2009 budget, instead of including debt service payments, could have requested significant funds for Pell grants, for LIHEAP, the badly needed overhaul of our health care system, bridge construction, investment in small and environmentally friendly business, and countless other valuable programs for ordinary Americans.

When President Bush took office, leading economists were debating the consequences of this great Nation debt free, standing tall in the world with no claim on it by foreign powers. But this President made a different choice. Instead of keeping our Nation on the path to economic security and prosperity, to new investments in our health care system, students, seniors, and veterans, the President who called for responsibility squandered away the surpluses he inherited, mortgaged our children and grandchildren's futures, and compromised the quality of working Americans' lives.

How can we measure the magnitude of the harm done to our economy and our people by this administration's decision to deviate from the responsible policies of President Clinton?

The first chart shows the budget plans of President Clinton as he left office and the budget formulated by President Bush. As you can see, the Clinton line, represented in blue, based on his levels of taxation and spending, has budget surpluses for every single year of this decade. In contrast, the Bush budget line, represented in red, has deep record-setting deficits in every year after 2001.

This next chart illustrates the value of the differences between the budget landscape planned by President Clinton and the one created by President Bush. As we can see, the difference between the two is a staggering $7.7 trillion. This number represents the fiscal harm President Bush has inflicted on our Nation. This number is ''the Bush Debt.'' It consists of a decade of foregone surpluses and new borrowing, much of it from foreign nations such as China, Japan, and Saudi Arabia. We have even become a debtor nation to Mexico.

Mr. President, $7.7 trillion is more than double the amount of public debt when President Bush took office. Like most concepts of enormous size, this amount takes some thought to comprehend: $7.7 trillion is $25,000 owed by every adult or child in the United States, squandered surpluses and new debt created by this President.

How did we move from the path of surpluses away from the promise of wiping out our national debt to trillions of dollars in new national liabilities? One would hope this administration could at least justify the Bush Debt by pointing to borrowing policies that improved average Americans' lives. Unfortunately, nothing could be further from the truth. Rather, this dramatic change of course stems largely from two of this President's many poor decisions over the past 7 years: first, tax cuts that overwhelmingly benefited the wealthy at the expense of the less fortunate and, second, the President's endless, misguided, unpaid war in Iraq. In the same inaugural address in which he called for responsibility, President Bush vowed to reduce taxes, even though the American economy was booming in the 1990s, under tax levels set by President Clinton which were low by both historical and international standards.

The irony, of course, is that President Bush's tax cuts of 2001 and 2003 were the height of irresponsibility. Because these massive tax cuts were predominantly directed at high-income families rather than low-income families, many Americans most in need of assistance were shortchanged. These extravagant tax cuts are weighted heavily toward the wealthiest Americans. In fact, 71 percent of the value of the tax cuts in 2009 will go to the wealthiest fifth of Americans, with a staggering 28 percent of the value of the tax cuts going to the top 1 percent and almost nothing at all going to the lowest earning fifth, families who earn $15,000 a year or less. This is George Bush's idea of fair tax cuts. And President Bush's insistence on forcing through these cuts without making up for the lost revenue, to defer that pain to later administrations and later years, was not only cowardly leadership, but it left our budget in precarious straits. The Bush tax cuts cost a staggering $1.9 trillion and account for 25 percent of the $7.7 trillion Bush Debt measured from the start of the Bush presidency through 2010, when the tax cuts are set to expire.

Every American knows the importance of balancing his or her own household budget. Every American knows the struggle of keeping spending in line with income, making sure there is enough money to pay for clothing, food, home heating, college tuition, and maybe a little for vacation or going out to the movies. Most Americans do a good job of balancing budgets but not President Bush. Rather than living by his inaugural pledge of responsibility, President Bush preferred to score political points by delivering massive tax cuts to his wealthiest supporters. He chose not to remain on a responsible fiscal path and instead put this country under the crushing burden of a multitrillion-dollar debt, the Bush Debt.

These tax cuts, while a large slice of the Bush Debt pie, are unfortunately not the whole story. There is also a large spending component to the Bush Debt, driven principally by the war in Iraq. By the end of this year, the price tag for the war in Iraq will have exceeded $600 billion. Even if we are successful in pressuring this President or the next President to begin redeploying our troops, American taxpayers will still have spent at least $740 billion on this misguided war by 2010.

Even if the next President gets us quickly out of Iraq, as I hope she or he will, we will be paying costs related to this war for years to come. We must care for our veterans and for the families of fallen soldiers. The Congressional Budget Office estimates that the cost of medical care, disability payments, and compensation for the families of fallen soldiers will cost between $10 billion and $13 billion in the next 10 years alone. We have a moral obligation to take care of the brave men and women who sacrificed their youth, health, limbs, and sometimes their lives to serve their Nation. These are costs, however, that we need never have had to bear. While they pale in comparison to the personal cost incurred by service members and their families, these monetary costs are nonetheless significant, and they will affect America's security for decades to come.

Like all debt, the Bush Debt requires interest payments. Every day Americans make interest payments on mortgages, car loans, student loans, or credit cards. According to President Bush's proposed budget for fiscal year 2009, next year alone, America will owe $260 billion in interest on the Bush Debt. Two hundred sixty billion in interest payments equates to $857 to our creditors in Japan, China, and Saudi Arabia for every man, woman, and child in the United States, next year and the year after that and long into the future.

To make matters worse, if you can believe this—hold on to your hat—the Bush administration is borrowing the money to make the interest payments, further adding to the debt. Imagine if we could take the $7.7 trillion Bush Debt off budget and set up a separate revenue system to make the interest payments—to feed the beast. Then every taxpayer would see we are doing something about this unprecedented debt. We should consider forming a commission, a Bush Debt repayment authority, to study the possibility of bringing the Bush Debt off the budget to show the American people how much this President has cost them, to pay the Bush Debt down responsibly over time, the way Government often steps in to pay down a disaster debt responsibly over time, and to show our children and grandchildren that we were not all cowards pushing our costs onto them.

This enormous interest payment isn't an abstract idea dreamed up by economists. This $260 billion is precious cash flow that could otherwise be spent improving our health care system, building new schools, repairing our roads and bridges, or helping our businesses compete against foreign competition.

Individual Americans may not be writing $857 checks to Japan or China or Saudi Arabia, but each one of us pays a steep price for the Bush debt—a price that is already evident in the President's budget for this year.

The budget request that included $260 billion for interest payments also included tough talk about belt tightening. The President proposes to hold discretionary spending growth to 1 percent—effectively a cut since the consumer price index grew 4.1 percent last year.

His budget plan slashed funds for low-income heating assistance; the COPS Program, which keeps police officers on the beat to protect local communities; Federal student aid programs, which help young people afford a college education; and community development grants, which provide badly needed assistance for low-income families and small businesses. The President's budget also calls for tremendous cuts in Medicare and Medicaid over the next 5 years—cuts that would surely affect medical care for American families.

President Bush is asking for more money to continue his misguided war in Iraq, more money to service the debt he created, and more money to pay for tax cuts for the wealthiest Americans, but less money to help the millions of people all across this country who need health insurance or food for their families or better schools for their children or a home they can afford. Those are not the correct priorities for America, President Bush.

What if President Bush had never cut rich Americans' taxes or taken us to war in Iraq? What if the fiscally responsible policies of the Clinton administration had continued to the present day? What if our public debt had been paid entirely by the end of next year, leaving us free to invest in our people and our future? What if there were no $7.7 trillion Bush debt and no $260 billion in interest payments next year? What could this country—the land of opportunity and possibility—be doing with an extra $260 billion a year?

Well, for just $5 billion—or 2 percent of the interest cost of the Bush debt in 2009—we could provide health insurance to 3.8 million more children through the Children's Health Insurance Program—the very initiative President Bush vetoed last year. Actually, according to the Kaiser Family Foundation, we could provide health insurance to every uninsured American—adults and children—for $173 billion. So well within the amount of money we will need to spend next year to service the Bush debt, we could completely cover every American with quality health care.

There are many other worthy programs we could fund with the remainder of the $260 billion interest payment. Our Head Start Program, which

helps prepare preschool-age children from low-income families to succeed in kindergarten and beyond, currently has barely enough resources to cover half of the 2 million children who are eligible. The remaining 1 million children could be covered for an additional $7 billion.

Pell grants, named after my distinguished Senator from Rhode Island, Claiborne Pell, help college students afford the steep costs of their education. We made progress last year in increasing funding for the Pell Grant Program, but Pell grants only fund a small fraction of tuition for many students. It used to fund about half of the tuition. It has slipped to less than a third today. We could double every single Pell grant next year, raising the maximum grant to over $8,400, for $18 billion.

With the remaining $62 billion in our ''world without Bush,'' we could bring up to code 95 percent of the structurally deficient and functionally obsolete bridges in the country, with all the work and jobs that would entail. My home State of Rhode Island has the unhappy distinction of having the highest percentage of structurally deficient bridges in the country. But following the tragic bridge collapse in Minneapolis last year, there is a renewed awareness of the urgency of updating our national transportation infrastructure. That $62 billion covers 95 percent of our Nation's deficient bridges and funds those repairs in fiscal year 2009. What about the other 5 percent? Well, we will have another $280 billion in Bush debt interest payments coming up in 2010. We could spend it—if we could—to fix those bridges.

Another year of tragic lost opportunities. We will make annual interest payments of this magnitude until a future President takes on the daunting challenge of paying down the principle of the national debt left for us by President Bush.

Well, that is quite a list: cover every uninsured American with health insurance, fully fund the Head Start Program, double each and every Pell grant, and repair our deficient bridges. Sadly, we do none of that. We use that money to pay the interest on the Bush debt. We will be making payments for the Bush debt for decades into the future.

An often ignored yet critical aspect of the Bush debt is the effect interest payments have on our national security—the very interest the administration purports to be advancing through its misguided war in Iraq. This chart illustrates the point.

To service the Bush debt, we have borrowed more money from foreigners, more money from other nations, such as China, Japan, and Saudi Arabia, under George Bush than under all 42 of his predecessors combined. The result of this foreign borrowing is that a large portion of the interest payments we make gets sent overseas, supplementing the income of foreigners and allowing foreign nations to invest in their economies and infrastructures. If not for the Bush debt, that money could be invested here at home, helping to grow American businesses and generate income and strength for our own future generations. Instead, the Bush debt has helped, and will continue to help, boost the Chinese economy at the cost of our own. The Bush debt will send trillions of dollars to foreign nations over the coming years, giving them even more dollars to buy up our American businesses.

When the Presidency of George W. Bush comes to its long-anticipated end on January 20, 2009, it will leave in its destructive wake trillions of dollars in debt owed to other nations, many of which do not have America's best interests at heart. This administration will leave behind an America whose standing in the world and whose regard among its fellow nations has been weakened and degraded by a war that seems to have no end—a fiscally weakened nation, a borrower, with a falling economy, struggling under the Bush debt.

Worst of all, this President will leave behind millions of Americans who, had this administration merely stayed the course of fiscal responsibility chartered by President Clinton, would be far better off than they are today. They would be, starting in 2009, in a debt-free United States that could afford to assist working families with the costs of a college education, to overhaul our health care system, to repair our crumbling infrastructure, to invest in small and green businesses, and to improve the lives of average Americans in countless other ways.

We cannot ignore the Bush debt. While George Bush starts packing for his retirement on his Texas ranch, those of us who care about the future of our Nation—the future of our children—must work toward undoing the damage this President has done.

Mr. President, I submit that we need to see the Bush debt as a serious national problem, a fiscal, economic, and national security threat, and engage in a solemn and serious way, as the trustees of our national welfare, to confront the Bush debt.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Colorado.

Mr. ALLARD. Mr. President, I believe I am scheduled to give a speech for about 10 minutes or so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I spoke last week in the Budget Committee, of which I am a member, about the differences between this year's consideration of the budget resolution and last year's.

Last year, we were obligated to accept the assurances from the majority that under their new regime pay-go would be respected, spending would be curbed, the entitlement crises would be addressed, and the debt would be attacked.

I do want to take a moment to respond to the attempt of my colleague from Rhode Island—who just left the floor—about trying to say this is all President Bush's problem. It is not. It is all of our problem. For example, the budget we have before us has over $2 trillion that it adds to the national debt. There are some basic reforms we have to do if we are going to correct the debt problem that has been accruing over the years. We have to reform entitlements especially.

We now, however, have results in this budget, not predictions. When all was said and done last year, there was an $83 billion increase in discretionary spending. There was $143 billion in pay-go violations. We did not close the tax gap. We added to the debt. We did nothing for entitlement reform. Reconciliation was used to add spending, not reduce it. Reconciliation was originally put in for that sole purpose: to reduce spending. We assumed tax increases.

So as we begin consideration of the fiscal year 2009 budget resolution, I hope everyone is aware of what was promised last year and what transpired. I hope they will use that knowledge when considering this budget document.

I would like to talk about the items that concern me in this budget. Now that our economy is trending in the wrong direction, and when we really need the benefits of a reasonable and progrowth tax policy, we are going to depress our economic growth by adding to the debt and increasing taxes in this budget.

We are not addressing the entitlement crises in this budget. Everyone knows it is there. It is a huge avalanche of debt waiting to bury our future. The sooner we act, obviously, the better. The longer we wait, the more drastic it will be, and more expensive. But we do nothing. We are not even doing something as productive as fiddling. We are just talking, year after year, and perhaps wishing our national debt will go away.

In this budget, we are raising taxes on the middle class. This budget cannot be paid for by closing the tax gap. It cannot be paid for by closing loopholes. It cannot be paid for by shifting dates around on revenues or outlays. And it surely cannot be paid for by increasing the taxes paid by the superrich, the rich, or just the very-well-to-do. It will only be paid for by reaching down into the average earners and raising their taxes as well. Under this budget, the average family with children will pay $2,300 more each year. Seniors will pay $2,200 more each year. Small businesses will pay $4,100 more each year.

When we consider these tax increases, let's remember, last year we were assured we would see tax relief. The first vote we were presented on the budget last year was to budget for an

alleged middle-class tax cut. But this never materialized.

What has materialized is spending increases. This budget adds $210 billion over 5 years. The gross debt will expand by $2 trillion by 2013. This year, we are spending three-quarters of a billion dollars of the Social Security surplus. This year, we are increasing spending by $22 billion, without fully funding the war.

Now, about that. I know there will be those who say they are just following the President. But the budget is a congressional document. Say what you want about the ideas in this document, but it was written and prepared on the sixth floor of Dirksen, not in the White House. The ''they did it first'' argument is not one I accepted from my children, and I am not going to accept it here.

We know the war is expected to cost $170 billion this year. We have an obligation to budget for that amount. It is honest budgeting. I will be offering an amendment to do just that. If we are going to pay for this war, fiscal discipline and legitimate budgeting requirements demand that we include those costs.

There are those who do not want to fund our campaign in Iraq. There are those who want to end the war as soon as possible, regardless of the damage that might do. They are entitled to those views. But there is no legitimate reason to fail to include the known estimates of the war into our budget. Failure to do so is pure gimmickry and devalues the budget exercise in which we are engaged. Hiding the war costs from view, when every Member knows we will be spending more, is ridiculous.

On that topic, my second great concern with this budget is the budget continues the erosion of fiscally responsible processes. We are seeing increases in reserve funds. There are 37 this year, up from 24 last year. They contain up to $300 billion in spending that hangs over our Treasury and taxpayers as a threat. I have heard them referred to as harmless, but any device that serves to weaken the authority and legitimateness of our budget is simply not harmless.

Many feel these reserve funds have become an overcomplicated type of sense of the Senate, but they weave weakness into what should be a rigid and honest budget document.

Another erosion of fiscal discipline is the use of reconciliation—a process originated to cut Government spending—for spending increases. We saw that last year. We have heard rumors and intentions of it being done again this year. Unfortunately, this will be something we are not sure of until it is too late, and that is when the conference report is before us.

We also see pay-go rules being verbally respected but ultimately dodged through various ploys. The first year test of deficit neutrality was dropped. We have shifted the timeliness of tax payments and spending costs to meet technical definitions that have no basis in reality. We have enacted wildly unrealistic program cuts and sunsets to hide true costs. Pay-go has been promised and praised, but it allowed $143 billion in deficit spending to occur.

I noticed when we started the session this year, Senator GREGG, our ranking top Republican on the Budget Committee, was pointing to his Swiss cheese example of how they have been able to get around the pay-go rules.

I believe Congress, and especially the Budget Committee, should be committed to rigid budget discipline, not politically expedient gamesmanship. I would urge a return to a tighter and more credible budget document. I plan to offer several amendments to shore up the fiscal discipline we are seeing erode in this budget.

I yield the floor, and I suggest the absence of a quorum.

Ms. STABENOW. Mr. President, rather than do that——

Mr. ALLARD. Mr. President, I withdraw that request.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I know we are waiting for other colleagues to come to the floor, but let me summarize our priorities for a moment in terms of this budget resolution.

There are a number of things we are doing that are very important, such as restoring the cuts the President made overall in health care and the fact he wanted to eliminate the COPS Program that puts thousands of police officers on the streets in our communities. We have restored those and other essential dollars for homeland security, firefighters, and so on.

We have also picked three priorities, as we did last year, to focus on in terms of new investments, given what is happening to middle-class families across the country and given the fact that middle-class families feel squeezed on all sides. Gas prices are up. In fact, I saw today they are inching toward $4 a gallon. According to the Detroit News, a paper in Michigan, the chances that gas prices will hit $4 a gallon in the summer are growing with every uptick in the price of oil. We are hearing all about what is happening to families in terms of the price of gas, the price of health care, the price of college and on and on and on. People are being squeezed on all sides.

We also know the best economic stimulus is a good-paying American job. So to address that, we have focused on three priorities in this budget. It is very simple: jobs, jobs, jobs. What do I mean by that? We are focusing on three areas, one that also addresses our dependence on foreign oil. It addresses the critical issue of global warming and where we need to go as we look to the future for our families. But it also creates jobs. There is a green-collar jobs initiative to invest in those new technologies, the new energy efficiency jobs, weatherization jobs, innovation for the future, green-collar jobs. We know we can create thousands and thousands of jobs by focusing in this area, and we do that.

The second area is jobs for rebuilding America. We know for every $1 billion we put into rebuilding our roads and bridges and schools and water and sewer, we create 47,500 new good-paying American jobs. You can't outsource those jobs. Those are jobs here in America, and that is what we need to do.

Then, finally, there is a focus on education and job training. We know that for the future, for ourselves, and for our children and grandchildren, it is opportunity, it is education, it is fully funding the law that was passed called Leave No Child Behind and creating job-training opportunities. People in my State have lost their jobs because of trade, so we have something called trade adjustment assistance that has been consistently underfunded. Yet we have individuals, through no fault of their own, who have seen their jobs go overseas. They are middle-class families trying to care for their families, trying to pay that mortgage we are all talking about right now with the housing crisis and trying to have the American dream for their families. Yet TAA, which was set up to help them go back to school, get training, help cover their health care costs for 2 years while they are doing the training, has been consistently underfunded. We have legislation to fully fund and expand the support for families under TAA.

So we wish to make sure job training and education are also a part of this. This is jobs, jobs, jobs.

I wish to focus for a moment on one of those areas because it directly relates to what I said a moment ago as it relates to gas prices inching up toward $4 a gallon. We have to change this scenario. I know our Presiding Officer understands this and has spoken about this. We have to get off foreign oil, invest in the new alternative energies that create jobs, that create alternatives in terms of being independent of foreign oil, and address gas prices directly, which are hitting people right between the eyes right now in terms of what is happening.

Our green-collar jobs initiative focuses on energy efficiency and conservation, investment in battery technologies, retooling older plants so we are keeping our jobs here in America, and biofuels production and access. We have to have the pump available. You can grow the fuel, you can make the vehicle, but the pumps, if they are not available, we are not going to achieve the goal.

Finally, there is a green-collar job initiative. These are five areas we have focused on in terms of investing in the future of our country. That is what we are all about. For us, this is all about focusing on America, about focusing on folks who every day get up, play by the rules, work hard every day, and want to know America is going to work for

them and that they are going to be able to keep their home and be able to send their kids to college and have the health care they need and have that job which is going to allow them to be able to keep their standard of living and, in fact, live the American dream. That is what our budget resolution is all about: jobs, jobs, jobs. I am very pleased we have, in fact, put together something that makes sense for American families.

I see my colleague from Maryland is here and who is a distinguished member of the Budget Committee. He was a distinguished leader in the House of Representatives before coming to us. So I yield now to the Senator from Maryland for whatever time he wishes to consume.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I thank my friend from Michigan for her friendship, but more importantly I thank her for her work on this budget resolution we have before us. She has been a very articulate and effective leader on the Budget Committee to make sure our budget resolution focuses on job growth in America and that invests in the people of this country so we can compete internationally and keep jobs here in America. I thank her very much for her leadership on the committee and for what she has done to help the people of our country.

This budget resolution, as the Senator from Michigan pointed out, is our blueprint. It is what we believe are the priorities of America in terms of what we need to do to move this Nation forward. I think we can perhaps judge how important this budget resolution is, based on what happened last year. I heard a lot of my friends comment about last year's budget resolution, whether it would make a difference in the lives of people in our country. When we look at the budget resolution we enacted last year, based upon the President's submission, I think we have a right to be proud of how important this debate is for the American people. Let me point out that if we didn't pass that budget resolution last year—my colleagues know about the higher education bill that passed and was signed into law and supported by almost all my colleagues; that is going to make a major difference in the ability of families to afford higher education, the largest single increase in financial aid since the GI bill after World War II. Well, that bill couldn't have happened but for the ability of the budget resolution to allow it to be considered. So I think we should be very proud we were able to accomplish that. My colleagues seemed to support that, although some seem to have questions about this budget resolution. The President's budget would not allow us to have had that.

I have heard most of my colleagues talk in glowing terms about what we did last year to help our veterans through veterans health care. Let me remind my colleagues it was our budget resolution, not the President's, that made that a reality. It is important what we include in a budget resolution. It speaks to the priorities of our country.

We had significant bipartisan support—two-thirds of our Members—who supported the Children's Health Insurance Program. We made room for that in the budget. I regret that the President vetoed it. The President was wrong. We are going to come back to that. But we, as Members of the Senate, spoke to the priorities to take care of our children's health care needs. That was in last year's budget. What we did last year is create a glidepath that is going to bring us to a balanced budget faster than the President. So not only are we investing in America's future, we are doing it in a more fiscally responsible way.

I also appreciate—and I might speak parochially for one second for the people of Maryland—the cuts to the Chesapeake Bay program would have been very severe if the President's budget was passed. Fortunately, we had our budget resolution that allowed our committees to come in with resources so the Federal Government could continue to be a partner in the Chesapeake Bay.

So I think this debate is very important. I think the budget resolution that is before us, as my friend from Michigan pointed out, speaks to investing in the people of this country and speaks to job growth in America. Now, how is that done? Well, this budget resolution, compared to the President's, allows us to invest in education. Last year, we did it in higher education. This year, we can invest in teacher quality and in schools in our communities so every child can get a quality education. That should be our goal. Our budget moves us toward a Federal partnership to achieve those goals; whereas the President's budget would not let us move forward.

We all talk about how we are going to become energy independent and how we are going to become friendlier toward the environment. Our budget resolution allows us to move in that direction; once again, compared to the President's budget, it wouldn't happen.

In health care, our budget provides for the expansion of the Children's Health Insurance Program. I know we have a difference with the President on this. We are going to win this battle. If it is not in 2008, we will win it in 2009. Over 100,000 children in my State have no health insurance. The Children's Health Insurance Program needs to be expanded. We need to make sure every child in America—quite frankly, I think every family in America—should have access to affordable, quality health care.

For infrastructure needs, meaning investing so we can create jobs, is very important. I came from a meeting with biotech leaders in my State where we talked about what we need to do as a Federal partner to help in the biotech industry and to help with new, creative innovations in America. We talked about the NIH budget and how the Bush administration's budget would level fund—which is a reduction—the number of projects NIH could participate in. The budget resolution we have before us today would allow us to invest in research in America to help keep jobs here in America, to develop the type of technology that we know Americans are capable of doing.

But the Federal Government should be a partner, and NIH always has enjoyed bipartisan support. Our budget allows NIH to expand to cover more of the very worthy requests that they receive every year.

The budget provides for dealing with the housing crisis. We have a continuing housing crisis in all parts of our Nation. In my State of Maryland, we have record numbers of foreclosures—people who cannot afford their mortgages because of the adjustable rates coming in that were subprime mortgages. We can do better than that. We have already heard bipartisan support for giving the Government more authority to deal with refinancing loans, giving better counseling to people who are in the market to buy a home and take out a mortgage. I hope to provide additional incentives so people can stay in their homes, and so they can buy homes, and so homeowners can sell their homes. We need to do that for the sake of the individuals involved. We need to do it to preserve communities, property tax revenues for local government, and we need to help spur economic growth.

This budget allows for those types of programs to reach the floor of this body for consideration. The President's budget would not allow us to do that. This budget provides for middle-income tax relief. You have heard the chairman talk about it. The AMT is very important. It is important that we extend that relief; otherwise, literally hundreds of thousands of Marylanders will fall within the AMT, and millions of Americans will fall into a tax we never intended for them to have to pay. Our budget resolution provides for that type of relief.

One more thing about this budget resolution. This budget resolution actually moves us toward a balanced budget faster than the President's budget. I could go back and talk about 7 years ago, and how we had all these surpluses, and how the Bush policies have led to these huge deficits. I can talk with a lot of credibility on it because I didn't support the President's economic plan. I said it was wrong for us to spend the surplus before it was fully there, wrong for us to do this war funding without paying for it, wrong to give out tax cuts to wealthy people when we were in a deficit. I thought we owed it to our children and grandchildren to pay for our bills today. But I was outvoted and we did it. Now we

have the Bush deficits that we have to deal with, and we cannot rewrite history. It is our responsibility to balance the Federal budget.

The budget resolution we have before us, offered by the Budget Committee, puts us on a glidepath to balancing the budget at a faster rate than the President's budget would. So we are acting fiscally responsible and investing in America's future, investing in jobs, and providing the appropriate tax relief for middle-income families.

I thank Chairman CONRAD for his cooperation and leadership and for bringing us all together on the Budget Committee. I particularly thank him for the help on an amendment I was able to get into the budget resolution, which will help in providing dental care particularly to our children.

I mention that whenever I can because a little over a year ago, a 12-year-old boy from Maryland, who lived about 6 miles from here, Deamonte Driver, had a toothache. His mom tried to get him to a dentist. Social workers made numerous phone calls to try to find a dentist to take care of his needs. That was in 2007, in the United States of America, in my own State of Maryland. They could not find a dentist who would take care of him. He only needed an $80 tooth extraction. Instead, he suffered from abscessed teeth and he had to go through two brain surgeries, costing a quarter of a million dollars, and he lost his life because we would not invest in access to affordable dental care for our children.

I thank Chairman CONRAD for allowing an amendment to be added to this budget bill that will allow the Finance Committee to bring a bill to this floor that will make sure we will have no more tragedies like Deamonte Driver's in America, and make sure our children have access to dental care. It is the No. 1 leading disease affecting children. The number of children who have untreated tooth decay is alarming, particularly in minority communities and in rural areas. We can do much better. This budget resolution will allow us to move in that direction.

I thank Chairman CONRAD for allowing us to move forward with NIH research so we can do much better. In the 1990s, we were committed to doubling the amount of money in NIH. It was a great day for this Nation. But the Bush budgets would have us fall back and lose our competitive advantage. The budget before us will allow us to continue to make progress in the Federal Government on NIH research.

On Amtrak funding, I thank the chairman and the committee for allowing us to move forward. Senator LAUTENBERG has been particularly effective in bringing this issue to our attention. We need an efficient rail system in this country.

We have read recently about how we have to monitor our water more effectively. The budget before us gives us a much better chance of achieving those objectives than the President's budget. This budget is a good investment for America's future—that is what it is—so we can become more competitive and pay down our debt, so we can provide the appropriate relief to middle-income families. It is about choices, and we made tougher choices. We could not do everything we wanted to do.

I want to make this point: Considering the legacy of the Bush deficits we have to deal with, considering the economic problems this Nation is confronting, considering the political realities we have to work with, where there are serious differences between the majority in Congress and President Bush, considering all those issues, considering the Bush budget and how that would lead us into red ink by providing tax relief to individuals who I don't believe need it—particularly when we are asking our children and grandchildren to pick up those costs—considering all that, and considering that this budget puts a priority on job growth and the competitiveness of our Nation, I urge my colleagues to support this resolution. I think it is worthy of strong support in this body. I am certain when we pass this resolution and reconcile it with the House, many of the implementing bills are going to enjoy large bipartisan support.

This budget resolution deserves that support. I am proud to endorse it, and I urge my colleagues to support it.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

Thereupon, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

AUTHORIZING USE OF THE ROTUNDA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 313, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 313) authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BAUCUS. 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 (H. Con. Res. 313) was agreed to.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—Continued

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 4160

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BAYH, Mr. PRYOR, Mr. NELSON of Florida, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. TESTER, Mr. BROWN, Mr. MENENDEZ, Mr. BINGAMAN, and Mr. CONRAD, proposes an amendment numbered 4160.

Mr. BAUCUS. 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 tax relief to middle-class families and small businesses, property tax relief to homeowners, relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita, and tax relief to America's troops and veterans)

On page 3, line 11, decrease the amount by $1,755,000,000.

On page 3, line 12, decrease the amount by $1,730,000,000.

On page 3, line 13, decrease the amount by $28,324,000,000.

On page 3, line 14, decrease the amount by $167,072,000,000.

On page 3, line 15, decrease the amount by $141,689,000,000.

On page 3, line 20, decrease the amount by $1,755,000,000.

On page 3, line 21, decrease the amount by $1,730,000,000.

On page 3, line 22, decrease the amount by $28,324,000,000.

On page 3, line 23, decrease the amount by $167,072,000,000.

On page 3, line 24, decrease the amount by $141,689,000,000.

On page 4, line 5, increase the amount by $22,000,000.

On page 4, line 6, increase the amount by $97,000,000.

On page 4, line 7, increase the amount by $846,000,000.

On page 4, line 8, increase the amount by $5,664,000,000.

On page 4, line 9, increase the amount by $13,496,000,000.

On page 4, line 14, increase the amount by $22,000,000.

On page 4, line 15, increase the amount by $97,000,000.

On page 4, line 16, increase the amount by $846,000,000.
On page 4, line 17, increase the amount by $5,664,000,000.
On page 4, line 18, increase the amount by $13,496,000,000.
On page 4, line 23, increase the amount by $1,777,000,000.
On page 4, line 24, increase the amount by $1,827,000,000.
On page 4, line 25, increase the amount by $29,170,000,000.
On page 5, line 1, increase the amount by $172,736,000,000.
On page 5, line 2, increase the amount by $155,185,000,000.
On page 5, line 8, increase the amount by $1,777,000,000.
On page 5, line 9, increase the amount by $3,604,000,000.
On page 5, line 10, increase the amount by $32,774,000,000.
On page 5, line 11, increase the amount by $205,510,000,000.
On page 5, line 12, increase the amount by $360,695,000,000.
On page 5, line 16, increase the amount by $1,777,000,000.
On page 5, line 17, increase the amount by $3,604,000,000.
On page 5, line 18, increase the amount by $32,774,000,000.
On page 5, line 19, increase the amount by $205,510,000,000.
On page 5, line 20, increase the amount by $360,695,000,000.
On page 26, line 16, increase the amount by $22,000,000.
On page 26, line 17, increase the amount by $22,000,000.
On page 26, line 20, increase the amount by $97,000,000.
On page 26, line 21, increase the amount by $97,000,000.
On page 26, line 24, increase the amount by $846,000,000.
On page 26, line 25, increase the amount by $846,000,000.
On page 27, line 3, increase the amount by $5,664,000,000.
On page 27, line 4, increase the amount by $5,664,000,000.
On page 27, line 7, increase the amount by $13,496,000,000.
On page 27, line 8, increase the amount by $13,496,000,000.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is the amendment about which I spoke this morning. This amendment would take the surplus in the budget resolution and give it back to the hard-working American families who earned it. It would make permanent the 10-percent tax bracket. It would make permanent the child tax credit. It would make permanent the marriage penalty relief. And it would make permanent the changes to the dependent care credit. Further, it would make changes to the tax law to honor the sacrifices our men and women in uniform make for us every day. We lower the estate tax to 2009 levels. And it would allow middle-income taxpayers who do not itemize their deductions to nonetheless take a deduction for property taxes.

I offer this amendment on behalf of myself, Senator BAYH, Senator PRYOR, Senator NELSON of Florida, Senator SALAZAR, Senator ROCKEFELLER, Senator TESTER, Senator BROWN, Senator MENENDEZ, and Senator BINGAMAN.

The amendment shows our commitment to American families. The amendment takes the surplus and returns it as tax relief to those hard-working families. I urge my colleagues to join me in supporting this amendment.

I spoke at length about this amendment earlier today. This is a very brief summary, now that we are on the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask the chairman of the Finance Committee, Senator BAUCUS, if I might be listed as an original cosponsor as well.

Mr. BAUCUS. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I thank the chairman of the Finance Committee, Senator BAUCUS, for this excellent amendment. This will extend the middle-class tax cuts, the 10-percent bracket, the childcare credit, and the marriage penalty relief provisions. All those tax cuts will be extended.

In addition, as I understand it, the chairman of the Finance Committee has crafted an amendment that will include significant estate tax reform because we are now in this unusual situation of where, under current law, the estate tax will go from a $3.5-million exemption per person in 2009 to no estate tax in 2010, and then in 2011, the estate tax comes back with only $1 million exemption per person. The amendment of the Senator from Montana would make certain it stays at $3.5 million and is allowed to rise with inflation.

The Senator from Montana has also added provisions for those who are serving in the military and also has provisions that will provide for property tax relief because we know that across the country, at the very time house prices are falling, property taxes in many jurisdictions are rising, and people don't get the benefit of the deduction because of the formalities of the current Tax Code. All these items are addressed in the amendment of the chairman of the Finance Committee.

I wish to express my appreciation. This will still permit the budget to be in balance by the fourth year and to stay in balance in the fifth year. The President's budget, by contrast, balances in the fourth year, but then it quickly slips right back out of balance again. Ours does not.

I take this moment to again thank the chairman of the Finance Committee for his work on this amendment and to thank his staff as well. I know they put a great deal of time and effort into this amendment, meeting with many interested parties, as one can imagine with an amendment of this magnitude. It makes a very, I think, important contribution to the consideration of this resolution.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, there is one point in this amendment that needs explanation, and the Senator from North Dakota touched on it. It is basically this: Under our tax laws today, only those tax filers who itemize their deductions can take advantage of the property tax deduction. Only those Americans who itemize their deductions can take a property tax deduction which, therefore, lowers their income taxes. About two-thirds of Americans do not itemize. Two-thirds of Americans take the standard deduction. If they take the standard deduction, they cannot, therefore, deduct their property taxes from their income taxes.

This amendment says all homeowners can take the standard deduction; that is, it makes no difference whether you itemize or whether you take the standard deduction. In either case, you are able to take full advantage of the property tax deduction to lower your property taxes.

This will help in some small way to prevent the reduction of housing prices in some parts of the country where it is a real problem. It is clearly not the full answer, but it at least is a way to help and also gives tax relief to middle-income taxpayers because those taxpayers who do not take the standard deduction, those taxpayers who itemize are probably a little bit wealthier than are taxpayers who take the standard deduction.

We are saying, if you take the standard deduction, you now can itemize this one item; that is, your property taxes. Technically, it is called above the line. Basically, it means if you take the standard deduction, you get full benefit of your property taxes; you can take the deduction against your income. And that is in this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman of the Finance Committee. I also ask him, as I understand it, the Defenders of Freedom Tax Relief Act is also part of this package.

Mr. BAUCUS. That is correct. Basically, it is in this amendment, honoring our men and women who are standing up for us in Afghanistan and Iraq.

Mr. CONRAD. And that package would provide, as I understand it, significant tax relief for our fighting men and women overseas, and it will continue to help them save for retirement and expand their opportunities for home ownership. It will also help the employers of reservists and National Guard who are called to Active Duty. This is a package that passed the Senate last year by unanimous consent. It did not get to the President's desk but is included in this package, which I think will make it even more attractive to our colleagues.

Mr. President, I know Senator MURRAY was here seeking recognition. Then I think Senator CORNYN would like to be recognized.

I will conclude, if I may, on this matter. This amendment is an important amendment, and I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment is a game. Last year, we saw the same game. Last year, the Democratic Congress was in its first year of having the majority in both the House and the Senate, so people gave it the benefit of the doubt. They said: OK, you claim you are going to do something, we certainly hope you will.

So last year they once again set up a false surplus and then they cut taxes and then they brought forward the Baucus amendment to pick up all that surplus as part of the tax cut, claiming both a surplus and a tax cut, which was good talking but a little inconsistent.

Their tax cut last year, the Baucus amendment had in it the extension of the 10-percent bracket, the extension of the $1,000-per-child tax credit, and the extension of the marriage penalty. I believe it had some estate tax language in it. It might have. But I know it didn't have this property tax itemizer in it. It had those four items in it for sure. So all the Members voted for it and took credit: Oh, we are for these tax extenders because we think they help middle Americans, which they do, obviously, which is why President Bush proposed them originally, and that is why it passed under a Republican Congress.

So what happened after this amendment was voted for and everybody sent out their press releases from the other side of the aisle saying: My goodness, we are for these tax cuts, we are going to vote for them right here on the floor of the Senate—even though they could have put them in the original Senate bill, which they didn't do because they wanted to have a bill reported out of committee with a big surplus so they could talk about that, knowing when they got to the floor they were going to eliminate these surpluses for the tax cuts—what happened after they put out all their press releases? Where are these tax-cut extenders they claimed they were going to pass last year? They don't exist. They never marked them up. They never voted on them. The real action of extending these tax cuts never occurred, even though they took credit for them last year.

They said: My goodness, that is a great idea, we get a press release out saying we are for cutting taxes; let's do it again. They did not cut the taxes because the taxes are still there, so they say let's do it again. So we see the same cynical action brought forward in this amendment. They are offering this amendment to cut the same taxes they cut last year—at least they took credit for cutting last year but they actually didn't cut.

It is to say the least a game—a game. That is why I call this the ''fudge it'' budget because so much of it is built around this gamesmanship in language and setting up false hopes and then proceeding with the press releases and then proceeding with not following through on what they claim they were going to do.

It also should be noted that left out of the Baucus amendment are a lot of fairly important issues of tax policy. For example, the present rate on capital gains and dividends is not in the Baucus amendment. So they are presuming it will go back up. That is a pretty stiff hit for a lot of Americans, especially senior citizens. Ironically, senior citizens benefit uniquely from capital gains rates being at their present level. Senior citizens benefit uniquely from dividend rates being at their present level because much of a senior citizen's retired individual income is capital gains income or dividend income to the extent they have some income beyond their basic pension, and many of their pensions are, of course, based off capital gains and dividends. So they are going to raise those rates. They are going to double the capital gains rate, essentially. The dividend rate will not only double, it goes up by 2½ times for some Americans under their proposal.

The deduction for qualified education expenses is not extended. Small business expensing—that is a pretty important item, especially in an economic slowdown that should be extended—is not extended in this bill.

Other extenders that are left out of the Baucus amendment include the research and development tax credit, that is pretty important; the energy tax credit, that is pretty important; State and local tax deduction, some people think that is important. AMT relief is left out.

The practical effect is even though they make this representation they are going to reduce taxes, the exact same representation they made last year on these ''motherhood'' tax extenders, let's call them, which they never followed through on last year, they leave on the table massive increases in taxes—massive increases in taxes—which will fall on working Americans.

We hear all this gobbledygook from the other side of the aisle that they are just going to tax the rich, we are taxing the rich, we are taxing the rich. I bet I heard their Presidential candidate, Senator OBAMA, use that term to justify his spending policies probably 15 times in the last debate I listened to in which he participated. We are just going to tax the rich, the wealthy Americans. Well, fine, OK. The only problem is they cannot raise enough money to pay for their budget by just taxing the rich. If you take the basic rates and you move them back to the Clinton days, when we had high tax rates in this country, you take the top rate on the high-income individual, 35 percent, and you raise it back to 39.6 percent, what do you generate in income in an annual year? About $25 billion.

Mr. GREGG. What do they plan to spend? Senator OBAMA plans to spend $300 billion under his plan. In order to reach the numbers they want to spend in this bill, there is a lot of spending in this bill. There is $200-plus billion in discretionary spending increases.

There are $400-plus billion entitlement increases in this budget. There are big holes that we know are going to have to be filled, or at least we hope they will be filled, because otherwise you are going to end up with our troops stuck overseas without being able to get home, because their budget does not fund the cost of bringing them home, much less supporting them while they are in the field.

We know these expenditures are going to occur, and those expenditures have to be paid for, and the way they are paying for them is by increasing taxes, not on the wealthy—they do on the wealthy too, but on every American. The average American's taxes will go up about $2,400 under this bill. Senior citizens' taxes will go up about $2,100; small business taxes will go up about $4,700; $2,400 for an individual family with $50,000 of income. That is what their tax increase goes to: for seniors, about $2,100; for small businesses, about $4,700.

That is a lot of money. You can buy a lot of groceries and at least get some relief from the cost of energy if you get to keep that money rather than have it taxed away as is proposed in this bill. It should not come as a surprise to people that they are doing this in their budget, because that is what they do well; they like to spend money and they love to raise taxes.

Then they claim, well, we are going to tax the rich. It turns out they are not only taxing the rich, they are taxing senior citizens, working Americans, small business Americans, Americans who get their income from small businesses, they are taxing R&D, they are taxing energy, the production of energy.

In addition, there is a little game being played here on their own rules. We hear the sanctimonious discussion about how they are going to use pay-go to discipline the budget. They are going to use pay-go to make sure we stay within our spending priorities, and that we do not raise taxes without offsetting these taxes.

Well, this amendment is set up to game pay-go. Pay-go is not going to apply when this amendment is passed or, if it does apply, it is going to be structured in a way that it can be waived. There is no expectation that there will be any pay-go applied to the Baucus amendment, should it ever actually be brought to the floor.

It is a game. It is, of course, one of the reasons why I think the American people get a little cynical about their Government. Here is the second year in a row that we are going to have press releases flying out of the Democratic Senatorial Committee claiming that they voted for these tax cuts. And then what happens? The tax cut never gets passed. This is a nice charade; that is

all it is. We wish they were sincere when it came to cutting taxes.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first, I recognize the ranking Republican on the Budget Committee, Senator GREGG, to thank him for his cooperation in bringing this budget resolution to the floor. While we have serious substantive differences, and we will be discussing those, I do have a high regard for the Senator from New Hampshire for the way he conducts himself.

He, in the Budget Committee, did something I want to recognize publicly. One of our members was ill. We have a rule in the Senate Budget Committee that Senators are not allowed to vote by proxy. We are the only committee in the Senate that has that rule. We have that rule because we are the only committee with the power to bring a fast track vehicle to the floor for immediate vote. That rule has been a long-standing rule in the Senate Budget Committee. Senator GREGG and Senator MCCONNELL, when we told them of the problem we were confronted with, one of our members was ill—with only a 12-to-11 margin on the committee, that would have meant we could not report a bill to the floor.

In a gracious way, in a way that I think reflects well on the Senate, in fact, makes me proud to be a Member of this body, Senator GREGG and Senator MCCONNELL allowed a unanimous consent motion to come to the floor of the Senate so all Senators could pass judgment on whether we should exempt one member from the requirement to be present because he could not be.

I want to start by thanking Senator GREGG for that professionalism, for that graciousness, and I do. I give my appreciation to Senator MCCONNELL as well.

Now, on the substance of what the Senator has said: I do not think anybody would be surprised that we have a strong disagreement with respect to the way he characterizes this amendment. This amendment is to a 5-year budget resolution. This amendment specifically extends the middle-class tax cuts and provides for estate tax reform and for provisions that are of assistance to our men and women in uniform, and will provide for certain property tax relief as well.

With respect to the middle-class tax cuts, it is true we offered a similar amendment last year. It is true we offered it containing estate tax reform as well. It is true that final action was not taken because there was no need to take final action in 2007. There is no need to take final action in 2008. There is no need to take final action in 2009, because all of these tax cuts under current law do not expire until 2010.

It is not a game; it is reality. The reality simply is, this is a 5-year budget resolution that is recognizing that we will extend those tax cuts, we will do it in a way that still allows the budget to be balanced in the fourth year, and remain in balance in the fifth year, and there is no need to take the final action, because all of those tax cuts exist until the end of 2010. That is a fact.

The second point the Senator makes and makes repeatedly is all of these tax increases in this budget. No, there are not. He made the exact same speech last year. Second year, second verse. He said we were going to increase taxes last year $1 trillion. Now we can go back and look at the RECORD. We do not have to resort to rhetoric, we do not have to resort to projections, we do not have to resort to forecasts; we can look at the RECORD of the Congress last year and the beginning of the year.

What has happened? Taxes did not increase by the trillion dollars the Senator warned about last year. In fact, taxes have been cut by $194 billion. This is with offsets of $8 billion. So on a net basis, taxes have been reduced by $186 billion by this Democratic Congress that my colleague claimed last year would increase taxes by $1 trillion. Those words ring pretty hollow when you compare them to the actual record.

Now, how did Democrats cut taxes by a net of $186 billion since last year? In two ways: No. 1, the stimulus package. The stimulus package, supported by the President of the United States, passed by the House of Representatives, passed by the Senate, and the alternative minimum tax relief provided last year. That combination has provided a net reduction in taxes to the American people of $186 billion. Not a tax increase, a tax cut. When the Senator says this budget is going to increase individual taxes $2,400, no. With the adoption of the Baucus amendment, which virtually every Democrat will support, we will extend the middle-class tax cuts.

When he says: You are going to increase taxes on this category and that category, the fact is, you could accomplish the revenue numbers in our budget, which is 2.6 percent more revenue than is in the President's budget—that is how much more revenue we have, 2.6 percent—we believe that amount of revenue can be achieved not by tax increases—in fact, I think it would be unwise to ask the American people for a tax increase before going after three other categories of revenue: No. 1, offshore tax havens. Offshore tax havens, according to the Permanent Subcommittee on Investigations, are now causing us to lose $100 billion a year. Offshore tax havens. That abuse is proliferating.

No. 2, abusive tax shelters. Let me give you an example. Right now we have the spectacle in the United States of U.S. companies buying foreign sewer systems, not because they are in the sewer business but because they want to depreciate those systems on their books for U.S. tax purposes. They then lease the sewer systems back to the European cities that built them in the first place. They are not just doing it with sewer systems, they are doing it with European city halls. Companies and wealthy investors in this country are buying European city halls, writing them off on the books in the United States to reduce their tax obligation here, and then turning around and leasing them back to the European cities that built them in the first place. That is a scam. It ought to be closed down. The estimates are that is costing us $40 billion a year.

On top of that, the tax gap, which in 2001 was identified at over $300 billion a year, the difference between what is owed and what is paid—while the vast majority of us pay what we owe, we have a number of people, unfortunately an increasing number, who do not pay what they owe, companies and individuals. Before we ask for a tax increase from anybody, we ought to go after those folks.

Now we will have a debate on these issues, but to suggest there is a massive tax increase here, no, there is not a massive tax increase here. The exact same speech was given last year, $1 trillion of tax increases. What happened? On net, this Congress reduced taxes by $186 billion. That is a fact.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. First, let me thank the Senator from North Dakota for his kind comments relative to our efforts to make sure that the unfortunate situation with one of our members did not inappropriately impact the majority position on the committee. We were happy to do that as a courtesy, because it is part of the proper comity of the Senate, quite honestly.

To move on to the substance of his comments, his actual praise of me was not inconsistent; I thought it was brilliant. But there is such inconsistency in the substance of what he said that I am amazed. I mean, first, the argument is made: Well, the reason the Baucus amendment did not have to be actually executed is because we did not need the money or we did not need to extend those tax cuts because they do not lapse until 2011 or 2012.

Well, why did you offer the amendment then? To put out the press release? It appears that is the only purpose of the amendment. Why are you offering the amendment this year? To put out the press release again? It appears that is the only purpose of the amendment.

What he is basically saying, if you read between the lines, is last year we did not execute on that, we did an amendment here, we got a press release—in fact, I have the press release here from last year: March 10, 2007. Baucus budget amendment funds children's health, tax relief for America's working families. That is the title of the release that was put out last year when this amendment was offered.

Of course, it never happened because the tax relief never occurred because the amendment was never passed.

This year, I guess we will get another press release from Members on their side saying: Senator so-and-so voted for tax relief for American families and for health care for American families by voting for the Baucus amendment which will not ever be executed on. It is a touch inconsistent, to be kind, to first claim that you didn't need to do the extensions until the year 2010 or 2011 or 2012, and therefore, last year, when you passed the amendment, it didn't mean anything, and then to bring the amendment forward again and take credit for cutting taxes. At what point does the American public simply shake their heads and walk away?

Mr. CONRAD. Will the Senator yield for a question?

Mr. GREGG. I will finish my statement, and then I will yield.

Mr. CONRAD. I thank the Senator.

Mr. GREGG. The second point the Senator makes is that there are no tax increases in this budget. That is true if you look at this year. But this is a 5-year budget. It assumes revenues over 5 years and takes credit for those revenues which exceed the President's number and which reflect an increase in taxes of about $400 billion. That is their number. I actually believe it is higher.

Giving them the benefit of the doubt, they have a $400 billion tax increase built into their budget. That tax increase is built in on the assumption made by OMB that the capital gains rate will go back up, that the dividend rate will go back up, that the basic rates will go back up, that other expiring tax provisions will go back up, R&D, energy, qualified education spending, that those tax extenders will go back up. So you won't see a dramatic increase in taxes as a result of this budget because they turn around and spend the money. It is not that they not only increase the taxes and presume those tax revenues will come in, they spend the money.

Then the argument is made: But we don't really have to do it by allowing those provisions to expire. We can raise it all from this infamous tax gap, which last year they also took credit for for $300 billion, or claimed they would, if they were successful. Then they ended up cutting the IRS accounts. So the IRS not only did not collect this additional money, they didn't even have the resources to collect what they were supposed to collect the first time around.

So the tax gap is mythical. It is virtual. It may exist. It does exist. But the collecting of it has been proven to be a lot more difficult than just putting it in a budget and claiming you will get it. In fact, the IRS Commissioner, when he testified before our committee, made it very clear that he felt the maximum amount, even with all the resources he asked for, which he never got, that we would be able to collect out of the tax gap was somewhere between $20 and $30 billion. That is over 5 years, as I recall.

So if the Senator's position is that we don't need to raise dividend taxes to get the $400 billion, we don't need to raise taxes on capital gains to get the $400 billion, we don't need to raise taxes on the estate and death tax to get the $400 billion, we don't need to raise the brackets back up in order to get the $400 billion, I know that in order to stand behind that position, he is going to want to vote for the amendment which Senator CORNYN or I will offer which will do exactly that. It will say: Don't raise the dividend rate. Don't raise the capital gains rate. Don't raise the brackets. Because the Senator from North Dakota said we don't need to do that, he will want to be with us on that.

I am happy to yield to the Senator for a question.

Mr. CONRAD. I would just ask the Senator——

Mr. GREGG. My question is, You will be with us on that amendment, won't you?

Mr. CONRAD. I have not yet had a chance to study the amendment. I would be happy to do so and give you an answer after I have had a chance to review it.

Let me ask the Senator, did your budget resolution in 2006 extend the middle-class tax cuts?

Mr. GREGG. They didn't expire within the budget window.

Mr. CONRAD. You mean the same argument I have just made with respect to ours?

Mr. GREGG. Reclaiming my time, the point is, there is a 5-year budget window. They start to expire in 2010, not in 2007; therefore, your budget has to deal with that expiration. My budget didn't have to deal with that expiration because it was not within the 5-year window.

Mr. CONRAD. Did you not assume in your 2006 budget resolution the extension of all the President's tax cuts?

Mr. GREGG. I would certainly hope I did, but I don't recall.

Mr. CONRAD. Well, the answer is, you did. And the second question would be, Did you then execute on extending those tax cuts in 2006?

Mr. GREGG. I would certainly like to have. But unfortunately, at the time, again, we were not within the budget window. But you are within the budget window, and you are taking credit for those tax extenders lapsing. Are you not taking credit for $400 billion under the baseline? That number is reached by CBO by presuming that the tax extenders on cap gains, dividends, and rates will expire? Are you not taking credit for that in your budget resolution?

Mr. CONRAD. For precisely the same reason that the Senator has given for his including extending the middle-class tax cuts when he last wrote a budget resolution in 2006. It would have covered the years 2007, 2008, 2009, 2010, 2011. The Senator included the extension of those middle-class tax cuts, just as I have done, because it was a 5-year budget resolution, and then the Senator's side did not execute, just as we did not last year, because there was no necessity to do it because those tax provisions do not expire until 2010.

This is a case of the pot calling the kettle black. You extended the middle-class tax cuts in your 2006 resolution and then did not execute because there was no need to do so because those tax cuts don't expire until 2010. That is precisely what we have done.

Mr. GREGG. Mr. President, reclaiming my time, there is a pretty significant difference. We are talking about 3 years, which is massive amounts of revenue. Secondly, you spend the money. The difference is pretty significant. We are talking about this budget at this time, and you can try to go back to other budgets, which I am happy to do. We can obviously debate old budgets. But the budget that is on the floor right now—and it appears the Senator is agreeing with my assessment—has a $400 billion tax increase, which tax increase CBO assumes will be accomplished by not extending the rates on dividends, capital gains, and the basic rates, along with research credit, energy credit, the qualified educational expenses, and the small business expensing. That is where you generate your revenue from. That is a tax increase. That translates into $2,400 per family. That is your budget. You are in charge of the budget. You brought the budget forward. You have a $2,400-per-family increase in here.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have no such tax increase assumption in our budget. Here are the facts. It is true we have $400 billion more in revenue over the 5 years than the President has in his budget. That is a difference of 2.6 percent. We believe that revenue can be attained without a tax increase. How? The pool of money I am talking about is the tax gap, the difference between what is owed and what is paid. The vast majority of us pay what we owe, but we have a group of people who don't. No. 2, offshore tax havens. The Permanent Subcommittee on Investigations has told us we are losing $100 billion a year to offshore tax havens. I have shown many times on the floor the Ugland House in the Cayman Islands, a little five-story building that claims to be the home to 12,600 companies. How can that be, that a five-story building in the Cayman Islands can be the operational home to 12,600 businesses? They are not engaged in business out of that building. They are engaged in monkey business. That monkey business is costing us a lot of money.

Now we have new evidence from the Boston Globe of another building in the Cayman Islands, this time a four-story building. In that building, they are also engaged in massive tax fraud. How? The company that is hiring the contractors for the United States in Iraq, KBR, is using that operation in the

Cayman Islands to avoid paying their Medicare and Social Security taxes in the amounts of hundreds of millions of dollars for one company.

The New York Times has just reported in Liechtenstein that they have uncovered massive tax fraud.

I would say to the American people, before we ask for a tax increase from anyone, we ought to go after these tax scams. What is the amount over 5 years? The estimates are at least $2.7 trillion. If we get 15 percent of that—not 50 percent, 15 percent of the abuse in tax havens, the abuse of tax shelters, the tax gap, 15 percent of it—we can balance this budget with no tax increase. Yes, additional revenue, revenue acquired by going after people who are cheating.

Senator DORGAN and I are perhaps the only two Members who have actually audited the books and records of major corporations, because we used to be the tax commissioners for our State. I have looked at the books and records. I have audited the books and records. I found tens of millions of dollars from my little State of North Dakota. One of the things I learned when I did it and actually examined the books and records is how much fraud is going on. This is fraud not just from my conclusion or Senator DORGAN's conclusion, this is what has happened as a result of investigations by our own Permanent Subcommittee on Investigations that have uncovered massive fraud, massive cheating. We ought to go after it.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Hampshire.

Mr. GREGG. Mr. President, CBO scores zero in this budget for money coming from the tax gap that is represented by Senator CONRAD as existing. The point being, of course, that you can talk about the tax gap all you want; it would be nice if we could generate some money from the tax gap. But IRS gives us no credit for generating money. They claim you can't generate the type of dollars the Senator has been talking about, and CBO doesn't give us any score for tax gap unless we significantly increase IRS funding, which we do not do.

Mr. CONRAD. Will the Senator yield?

Mr. GREGG. Just a second. Furthermore, what you have to recognize is CBO does score the $400 billion, which the Senator refers to as revenue, I refer to it as a tax increase—I mean, it is a tax increase—and CBO gets that $400 billion number because they assume the tax rates on capital gains, dividends and the personal rates, along with the other items I have listed, will go back up when they expire. That is how the number comes about. It doesn't come about from the tax gap.

You can say: I am going to get money from Liechtenstein as a way to cover the American tax gap, and therefore no Americans are ever going to have to pay any more in taxes. You can make that statement, but that is not the way the budget works. CBO tells us how they are going to score it. We all work off of the CBO baseline. The CBO baseline assumes, under the Democratic budget, that taxes will go up above what the President asked for. That is clearly because they want to repeal the tax rates that are in place today and were put in place by President Bush. I don't know why they resist so aggressively admitting to this. Their Presidential candidates, that is all they talk about. So clearly, that is the game plan. Why try to obfuscate it with this tax gap debate?

In addition, we have this issue of what happened under our budget versus what happened under their budget. This is their budget. It is not our budget. They are responsible for this budget. The U.S. Congress has to pass a budget. The President doesn't sign it. Congress passes it. This is what they have brought forward. Their budget assumes, takes, and spends—and that is the important part—a tax increase which results from basically raising the tax rates on capital gains, raising tax rates on dividends significantly, which will dramatically impact all Americans, raising rates, raising a variety of other taxes such as R&D and energy. That is where they get the revenue which they then turn around and spend. We didn't do that in our budget. We accepted a higher deficit and didn't raise the tax rates. So there was a difference. It is substantive between the two. The core of it goes to the fact that they need revenue to spend, and to get that revenue, they are going to aggressively raise taxes $2,400 on working Americans.

The tax gap is a smokescreen for what is really going on. I don't even know why they put it up because there is no contention out there in the public arena about what the game plan is.

Senator CLINTON and Senator OBAMA have said over and over and over again they intend to raise taxes. They claim it is just going to be on the wealthy, but they cannot get where they want to go by just raising taxes on the wealthy because, as I pointed out before, if you raise the marginal rates on the highest earners from 35 percent to 39.6 percent, you do not generate anywhere near the amount of money you would have to generate to cover all the spending that is proposed in this budget and has been proposed for new programs by Senator OBAMA and Senator CLINTON, as they have been campaigning.

It will be, and this budget is, a general increase on the taxes of working Americans—to the tune of $2,400 for most families in the $50,000 range, to the tune of $2,100 for 18 million seniors, and to the tune of $4,700 for 24 million small businesses. There are no two ways around it. That is what is going to happen if this budget is extended throughout the 5-year experience it is planning to budget for.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I know the Senator insists on his point of view on this, but I have to say there is another point of view which I have articulated and have articulated repeatedly. There simply is not an assumption that there is a tax increase embedded in this budget. In fact, what is included, after the Baucus amendment is adopted, is significant additional tax reduction: tax reduction for middle-class families, tax reduction for estates, tax reduction for those who would otherwise be subjected to the alternative minimum tax—some 20 million families.

So that is the fact. If you go to the record of what this Congress has done so far, after the Senator gave his same speech last year, almost verbatim, saying we are going to increase taxes by $1 trillion, which is his favorite number—I tell you, I do not think it would matter what document we brought to this floor, the Senator would say there is a trillion dollar tax increase because that is what he said last year. Let's go back and check the record. What happened?

Since last year, this Congress, controlled by Democrats, has reduced taxes on a net basis by $186 billion. It is not a statement. It is not a speech. It is a fact. This Democratic Congress—after all the warnings last year: We are going to increase taxes $1 trillion—has reduced taxes, in 1 year, by $186 billion.

Now, the Senator says: The CBO does not score tax gap provisions. Well, let's be clear. The CBO does not score tax provisions. That is the job of the Joint Committee on Taxation. That is not the job of the Congressional Budget Office. All of us who serve on the Finance Committee know that is the case. CBO does not score tax provisions. That is the responsibility of the Joint Committee on Taxation.

The Senator has asserted we have a $400 billion tax increase. No, we do not. We have $400 billion more in revenue over 5 years than the President has. That is a difference of 2.6 percent.

As I have asserted repeatedly, I believe additional revenue could be obtained by going after the tax gap, by going after these tax havens, by going after abusive tax shelters—a pool of money over this 5 years that is some $2.7 trillion—$2.7 trillion. And that is probably a conservative estimate. So we would only have to get $1 in every $7 in that pool to balance this budget, with no tax increase on anyone.

I believe the first thing that ought to be done is to go after those abusive tax havens, those abusive tax shelters, and that tax gap, where the vast majority of us pay what we owe, but some number of us do not.

One other thing: The Senator referenced his budget. The fact is, he has no budget. They have no budget. If our budget is so egregious, why haven't they offered a substitute budget? They have not. They have not offered a budget. They did not offer a budget in the committee. They do not have a budget on the floor. They do have the President's budget, and we have compared,

repeatedly, our budget to the President's budget because it is the only alternative that is out there. They have chosen not to offer an alternative. That is their right.

The majority has the responsibility to offer a budget, but the minority, if they feel it is grievous, can offer a substitute, and they have not.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we will go to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think people watching this on C–SPAN or wherever they may be watching—from the Galleries—can be forgiven if their head is spinning after this back and forth of how their tax dollars are being spent.

At a time when our economy has undergone tremendous growth over the last 5 years but has now hit a soft stretch, particularly in the housing area, where we are talking about the credit crunch coming from the subprime credit crisis, we have acted in a bipartisan way to try to get the economy moving again by passing a stimulus package. The Speaker, the Republican leader of the House, and the White House have joined to try to do what can be done on a bipartisan basis to get the economy moving again.

But the fact of the matter is, there is no better stimulus for the American economy other than leaving people with their own hard-earned money to spend it as they see fit. That is what helps create jobs in this country. The last thing we would want to do or should do is to see taxes be increased, particularly on small businesses, which are the primary job generator in this country, because it is through jobs and opportunity that people are able to achieve their own life and their own dreams and not depend on Government.

We ought to aspire to be a country where everyone can declare their own independence on Government and not say we must be more dependent on Government, which seems to be the conflicting visions we see play out on the Senate floor.

Mr. GREGG. Mr. President, will the Senator yield for a parliamentary question?

Mr. CORNYN. Mr. President, I will.

Mr. GREGG. I apologize for interrupting the Senator.

Mr. President, I ask unanimous consent that we proceed to the time on the resolution so the time during the debate will run against the resolution.

The PRESIDING OFFICER. The Senator has that right.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that, unless stated otherwise, the time comes off the resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I thank the Senator from Texas for his courtesy.

Mr. CORNYN. Mr. President, so the question presented by this budget is whether we are going to make it easier for the average American to meet the obligations of their family budget or whether we are going to grow the size of the Federal Government to the point that it makes it virtually impossible for them to balance their own budget. This budget, unfortunately, does nothing to bring down the price of gasoline at the pump or to make it more affordable to buy your own health insurance, which are the two primary cost drivers which are making it harder and harder for people working in this country to make ends meet.

Instead, what this resolution does is, it adds additional burdens onto the average taxpayer. I know, as I said a moment ago, the heads of the people who are listening must be spinning trying to keep up with the various arguments that are being made back and forth. But the fact of the matter is, this budget resolution is the blueprint which authorizes additional activity, such as tax cuts.

The Baucus amendment is nothing more than an authorization, which if there is no action to actually cut those taxes, nothing will happen. That is what happened, that is what occurred last year. Under the very pay-go principles, the pay-as-you-go principles—which is sound, certainly, in theory, which says the Federal Government will not spend money it does not have, that it will pay as you go—that is a promise made to the American people that is honored more in the breach than in the observance.

I agree with the Senator from New Hampshire, the ranking member of the Budget Committee. This class rhetoric of: Well, we are just going to tax the rich—let me give you an example of how that usually turns out. The best example I can think of is the alternative minimum tax, which back in the 1960s was designed to target about 155 taxpayers who did not otherwise pay Federal income tax because of deductions they had.

Well, as a result of the failure to index that tax, 155 taxpayers turned into, last year, 6 million taxpayers and would have turned into 23 million middle-class taxpayers if we had not acted to provide some temporary relief on a 1-year basis last year.

That is exactly what happens every time the Federal Government says: We are just going to tax the rich. Because people will be amazed at how much the Federal Government considers ultimately the middle class, those people who are the most productive in our society, those people who create the jobs—by creating the small businesses that produce that opportunity—those are the producers who basically the Federal Government all too often seems at war with in the way we spend their hard-earned money.

Now, this budget does set out the framework over a period of 5 years. It contemplates a source of revenue in order to pay the bills. Under the pay-go principles that Congress has embraced, the only way those bills can be paid is if you have additional revenue or taxes to pay for them. So that is why, under this resolution, you will see, for example, 18 million seniors who will incur an additional tax burden of $2,200 each. You will see 43 million families incur an additional tax burden of $2,300 each. You will see the small businesses—27 million small businesses—incur additional tax obligations of $4,100 each.

Now, if our goal is to create jobs, it ought to be to lower the burden, to lower taxation, to lower the regulatory burden, and to reduce frivolous litigation to the point that small businesses can prosper and create jobs, not add to their burden. Additional taxes for each of these categories of taxpayers will do nothing but depress job creation in this country, not encourage it.

But I have to tell you, the most discouraging part of this budget is not what it does but what it fails to do. As the distinguished chairman of the Budget Committee knows, because he is the chief sponsor, along with the ranking member, of a bill that creates a task force to deal with runaway entitlement spending, this budget does nothing to deal with $66 trillion of future obligations of the American Government under entitlement spending, under Medicaid, Medicare, and Social Security.

As a matter of fact, if we do nothing, within the next decade we will see both Medicare and Social Security become insolvent. That is because, irresponsibly, we are spending the surplus of Social Security today to try to balance the books of the Federal Government, by spending Social Security taxes that are paid by average American workers. We are spending that in order to try to fund the operations of the Federal Government today.

So what this plan does, by inaction, is it creates the additional debt for our children of $27,000 each. I believe, if I am correct, the unfunded liabilities going into the future of $66 trillion, if you divide that by each and every American man, woman, and child, would result in $175,000 of debt for each of those men, women, and children. This budget does exactly zero to address that.

I don't blame people across this country who look at Washington and are absolutely convinced that Washington is broken, because rather than solving problems, rather than trying to work together on a bipartisan basis to address these legitimate concerns, all they hear is more and more talk and precious little action, and particularly when it comes to the growing threat of entitlement spending and the increased debt that is passed down to our children and grandchildren.

I know we didn't get here overnight. This has been a long time coming, but

I hope we have the courage to deal with this today because, frankly, it is no mystery why change is the most dominant word in our political discourse today. The status quo is broken because Washington is not working, and people increasingly are turned off by what they see coming out of our Nation's Capital. They feel as if it is absolutely irrelevant to their lives or, if relevant, that Washington is burdening them and not helping them with their day-to-day concerns.

By raising taxes by $1.2 trillion over the next 5 years, by dramatically increasing spending, by growing debt by $2 trillion, by playing gimmicks with things such as pay as you go, which is more honored in the breach than in the observance, by ignoring $66 trillion in unfunded liabilities into the future, this budget resolution is a failure. We can and we should do better. We should focus on what we can do to help the average American balance their family budget and not present a budget that is a train wreck upon delivery. This budget will not work. If the average American tried to conduct their business—if a small business man or woman tried to conduct their business as the Federal Government, they would find themselves bankrupt or else they would find themselves in jail. It is only the Federal Government that can operate this way. It is only the Federal Government that can operate in a way that every man, woman, and child in this country cannot, and we can do better. I urge my colleagues to do better by turning down this budget and coming up with one that will help the average American balance their budget and not wreck the Federal budget in the process.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent that the Joint Committee on Economics be recognized at 5 o'clock for 1 hour for their Humphrey-Hawkins testimony—5:15 I am now told—that the Joint Economic Committee be recognized for 1 hour at 5:15. That would involve both the chairman of the committee and the ranking member of the committee for that 1 hour.

Mr. GREGG. And the time would be equally divided.

Mr. CONRAD. And it would count against the resolution. That would be correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the Senator held up a chart about the growth of the debt. The exact same chart applies to the President's budget—precisely the same. In fact, his is worse in terms of additional debt burden put on the American people by the President's budget compared to ours.

The Senator also raised the point, as did the ranking member earlier, of why we have not addressed in this 5-year budget resolution the long-term entitlement challenges that we face as a nation, the shortfall between what we are spending and what we are raising, and the entitlement obligations this country has made but has not funded. Let me say I have never believed that the long-term entitlement challenges that are 10, 15, 20-year problems are going to be resolved in a 5-year budget resolution. That is why I joined with the ranking member of the committee on something where we do agree, which is an approach to address these long-term imbalances by creating a working group of 16 Members—8 Democrats, 8 Republicans—given the responsibility to come up with a plan to deal with our long-term challenges, and only if 12 of the 16 could agree would legislation advance. If they could agree, 12 of the 16, then we would have a circumstance in which there would be a vote in both Houses of Congress. Not only would it involve Congress, it would also involve the administration, because if we are going to address these long-term challenges, it has to be done with all of the players at the table.

This is something Senator GREGG and I are advancing. I believe it is very important. I believe it is the only way we are going to deal with these long-term challenges. I don't believe it is ever going to happen in a 5-year budget resolution. No. 1, it is too short term. No. 2, it is typically carried just by one party. That is the way budgets are around here. These longer term challenges can only be addressed by both sides coming together and grappling with it in a joint way.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I appreciate the chairman outlining for the body the initiative which he and I have pursued in the area of entitlement reform. I appreciate his leadership on that and I look forward to continuing to work with him on it. I certainly hope we can pass it. It is one way to get at the fundamental fiscal imbalance our country is facing and the threat it represents to our children having an affordable government. But that should not mute or sideline legitimate efforts to try to begin the process of controlling entitlement costs in a way that is fair and does not unfairly impact beneficiaries.

The President did make suggestions in this area. The President's budget is not on the floor. I would note that the reason we don't offer a budget is for the same reasons the Senator from North Dakota didn't offer a budget when I was the chairman and the Republicans controlled the Senate. In fact, I will quote him. He said:

The chairman—

At that time he was referring to myself—

well knows the majority has the opportunity to offer a budget, and our responsibility is to critique the budget.

That is the way the Senator from North Dakota viewed the budget process and it is the way I view this budget process. But independent of that, the President's budget, as he sent it up, at least had guidelines which I thought were very constructive in the area of trying to control our costs in Medicare specifically. He had three different proposals. The first suggested that people with high incomes should pay a larger burden of the cost of their drug benefit, Part D premium. Today, if you are Warren Buffett—we use Warren Buffett because he is nationally known, obviously, and is extraordinarily successful—if you are Warren Buffett, you qualify for the Part D drug program, but you don't have to pay the full cost of that program. You don't pay a full premium. You pay about 25 percent of the cost of that premium. That means that John and Mary Jones, working at a restaurant in Epping, NH, or Sally and Fred Upton, working in a real estate firm in Concord, NH, are paying 75 percent of the cost of the drug benefit which goes to wealthy Americans, and specifically the example I used would be Warren Buffett. That seems totally inappropriate to me.

So the President sent up a proposal which said if you make more than $80,000 as an individual—which is a good deal of income for an individual, a single individual, especially a retired individual—or if you make more than $160,000 jointly, you and your spouse, if you are retired and you qualify for the drug benefit, then you have to pay more. You don't have to pay the full cost even, you just have to pay more. It was a reasonable proposal and it would help with the imbalance of the Medicare accounts.

He also suggested we should improve our use of technology within the health care industry, making more information more available to more people so they can make better decisions. That scores, interestingly enough, as a savings, not surprisingly, because if more people have more information about, first, the cost of a medical procedure and, second, the outcomes of a medical procedure at A hospital versus B hospital or at an A group of family practitioners versus a B group of family practitioners, they can make a thoughtful, intelligent decision as to which group they use, especially if they are a corporation with a fair number of people they are insuring or self-insuring. So that proposal was a step in the right direction toward cost containment and scored in a very positive way.

The President sent up ideas—ideas that made sense—and they didn't impact ordinary beneficiaries. The only beneficiaries who were impacted under the President's proposals were high-income beneficiaries who would be asked to pay a fair share of the cost. I do think that type of reform should have been carried in this bill, and we will offer an amendment—I will offer it or Senator ENSIGN, I suspect, will offer it because he offered it last year, Senator ENSIGN from Nevada—asking that high-income individuals pay a fair share of

their drug benefit costs, and that is only right. Hopefully that will be approved and put into this budget.

So there are initiatives that can occur here which I think should occur and we should not simply leave this massive fiscal imbalance which we are facing in these entitlement accounts to be fixed by this task force which hopefully we will get in place, but we should start the process now. This budget unfortunately punts that issue and has zero—zero—savings in the area of Medicare—net savings in the area of Medicare. In fact, it ends up with an expansion in entitlement costs of about $466 billion.

Mr. President, at this point I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, this is an area where there is agreement between the ranking member and myself.

This is a statement Senator GREGG made in the Senate Budget Committee about the proposal he and I have made to deal with these long-term challenges. This is a quote from Senator GREGG, and one I agree with:

> We have come to the conclusion that everybody who puts policy on the table first ends up getting it shot at by the different interest groups, and that putting policy on the table simply doesn't work in our institution; that the only way to do this is—

Talking about the long-term gap between spending and revenue and the commitment on entitlements—

> the only way to do this is to create a procedure which is viewed as absolutely fair, absolutely bipartisan and that that decision by that task force will then be voted up and down by the Congress.

The task force we are talking about which Senator GREGG and I have proposed would address the long-term fiscal imbalance, would include a panel of lawmakers and administration officials, 16 in number, with everything on the table, with fast-track consideration. That means Congress ultimately would have to vote, and that would require a bipartisan outcome because it would require a supermajority.

The ranking member referenced what the President has called for. Let me put up what the President has called for in his budget. He has called for savings from Medicare and Medicaid of $536 billion over the 10 years of his budget proposal, but at the same time he calls for $2.4 trillion of additional tax cuts, most of which goes to the wealthiest among us. Those are priorities we don't share. I don't think the answer is to cut Medicare over $500 billion, Medicare and Medicaid, at the same time cutting taxes $2.4 trillion disproportionately on the wealthiest among us. Who would be affected by these Medicare reductions? I will tell my colleagues one group that would be affected: the rural hospitals I serve as a representative from the State of North Dakota in the Senate. Rural hospitals already on average have negative margins. That means they are losing money. Why? Because they get one-half of the reimbursement rate of more urban hospitals to treat the very same illnesses. In other words, if you have a heart attack, you go to an urban hospital, that hospital gets twice as much under Medicare to treat you as a rural hospital. Unfortunately, there are no rural discounts available to those rural hospitals. When they go to buy technology, they don't get a rural discount.

When they go to attract a doctor, they don't get a rural discount. In fact, it costs more to attract doctors to rural areas than to urban areas. That is proven by the MediPAC studies.

The proposal by the President would cut these hospitals. Can I tell you what that would mean in my State? Hospitals would shut down. We have more than 40 hospitals in my State. My State is a very large State, although sparsely populated. At least eight hospitals in my State would fail under these provisions. So, no, we don't support that. I certainly don't support it. I don't think most Democrats think this is the priority—cut Medicare, cut Medicaid, and at the same time you are cutting taxes on the wealthiest among us. I think many of the wealthy would say that should not be the priority.

Warren Buffet points out that he pays a lower effective tax rate than the woman who is his secretary and than the woman who is his housekeeper. Why? Because most of his income comes from dividends and capital gains that are taxed at a 15-percent rate and his housekeeper is paying at a higher effective rate than that. How can that be fair? I don't think it is. So even Warren Buffet doesn't think it is fair. He has pointed this out on repeated occasions. He questioned, How can you have an equitable tax system in which he, the richest man in the world, is taxed at a lower rate than his own housekeeper and his own secretary?

Mr. President, we talk about debt. Here is what happens if all of the President's tax cuts are extended without being paid for. The debt takes off like a scalded cat, the debt that is already out of control, already burgeoning, already burdensome to future generations. If you extend all these tax cuts without paying for any of it, what happens? The debt grows inexorably, and in a way that fundamentally threatens the economic security of this country.

Mr. President, I hope very much that as we continue this debate we will focus not just on the 5 years of this budget resolution but also that we remind ourselves and the American people of the very daunting challenges we face long term. This is one place where I am in complete agreement with the Senator from New Hampshire, the ranking member of the committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I appreciate that explanation on Warren Buffett because I think it confirms my prior representation, which is that this proposal increases capital gains and dividends. It is assumed by CBO that it does that. Language he has used relative to the view of the Senator from North Dakota would imply the same also. I think it is important to know—not important, but I think the record ought to show the charts that reflected the savings that were reflected in the President's proposals on Medicaid and Medicare were not reflective of the proposal that came up on Medicare in this budget. They were a prior proposal.

Second, I think the proposals that came from the President involve the Part D premium, IT, malpractice reform, all of which were reasonable, all of which could be accomplished, in my opinion, without having any significant impact on beneficiaries. Yes, they would impact providers because, as a practical matter, the IT improvements would put more pressure on providers to basically deliver good-quality services. Essentially what the administration proposed was to take savings that occur from significant improvements in IT and those savings which basically end up in the pockets of the providers and say to the providers that we will split the difference; you get half and we get half, but you are still going to get half of the savings you create out of IT. I don't think it affects the actual providers. It affects how much they save.

At this point, I see the Senator, the ranking member of the Finance Committee, the former chairman, so I will yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I wish to discuss with my colleagues one of the sources of revenue that the chairman of the Budget Committee claims would bring in $100 billion per year to offset the cost of extending existing tax policy, and that would be the issue of shutting down offshore tax havens.

I feel that I have been very aggressive as a member of the Finance Committee in combating abusive tax shelters offshore or otherwise, so I am not here to find fault with anything in the budget about going after abusive offshore tax havens. But I do have a degree of disagreement on the amount of revenue that will come in and whether this is the ''goose that laid the golden egg'' that will solve all of the problems we have with the budget.

So I have worked hard on this subject for a long period of time. In fact, I would go to a bill that we passed in 2004 called the JOBS Act. It shut down the tax benefits for companies that enter into corporate inversion transactions and abusive domestic and cross-border leasing transactions. The JOBS bill also contained a package of 21 anti-tax shelter provisions—not just 1 or 2 but 21.

Now, of course, I am ranking member of the Finance Committee, but having a good working relationship with Senator BAUCUS, we have been continuing

to look at all these abusive parts of the Tax Code, or these parts of the Tax Code that are abused, and look at where we can get some additional revenue. We are not out to tax people who would not otherwise be taxed or to change the rate of taxation, and we are not out to get people who should pay more money than what we are paying if they are doing it in a legal way. We are after subverting the Tax Code in a way that wasn't intended by Congress.

So in my role on the minimum wage small business tax relief bill that passed the Senate last year, we also included provisions that contained anti-tax loophole provisions, including shutting off tax benefits for corporations that inverted—after Senator BAUCUS and I issued a public warning on that issue that legislation would stop these deals, shutting off tax benefits from abusive foreign leasing transactions that weren't caught in the passage of the JOBS bill, and, of course, doubling penalty and interest for offshore financial arenas.

In that particular bill, the minimum wage bill I referred to—it happened to be that the House Democrats rejected our offsets. It was kind of surprising to me, but they did that. I use it as one example that is a somewhat unrealistic account on these offsets in the budget resolution.

The chairman of the Budget Committee went on and on yesterday about abusive foreign sewer systems and city hall leasing deals on which U.S. banks were claiming depreciation deductions. I didn't disagree. I led the effort to shut down these deals on a prospective basis, which we did in the 2004 bill, and I have continued to lead the effort to legislatively deny future tax benefits for deals that were entered into before the 2004 legislation. But here again, people, for reasons I don't know—and it was quite surprising to me—in the other body, the leadership of the Ways and Means Committee over there has continued to stop us cold. In fact, while the chairman of the Budget Committee was holding up a chart of a German sewer system during last year's budget debate—I am referring to last year's budget debate, but it is a prop that can be used this year as well—the chairman of the Ways and Means Committee at that time was holding a hearing that sympathized with U.S. banks that entered into these very same deals.

So I sure hope this distinguished chairman, my friend, the Senator from North Dakota, is not counting on any revenue for doing something the House Democrats have rejected over and over again. But do you know what. My distinguished friend and chairman of the committee, it seems to me that he is counting on that revenue. Well, maybe he will have better luck a second time. We didn't do very well the first time.

The Budget Committee chairman is also continuously referring to the billions of dollars that the Permanent Subcommittee on Investigations says we can get through offshore tax scams. Well, those of us who have to do this heavy lifting in this area, by passing tax legislation, know that whatever numbers the Permanent Subcommittee comes up with have tended to be meaningless. We all know there is not a dollar's worth of tax legislation that can be based on the Permanent Subcommittee's estimates. That is not their expertise, nor their job. That falls into the area of the Joint Committee on Taxation.

So having studied these issues and having legislated in these areas for a long period of time, I consider my views on tax policy directed at tax shelters and tax havens to be credible. From what I can tell, the chairman of the Budget Committee views the problem of offshore tax havens in two categories: one, the ability of U.S. multinationals to shift income to these tax havens, and two, the evasion by U.S. citizens who hide assets and income in these tax havens.

We have seen Democratic Senators, including the chairman of the Budget Committee, hold up a picture of the Ugland House, a law firm's office building in the Cayman Islands, which is home to 12,748 corporations. Senator BAUCUS and I asked the GAO to investigate the Ugland House. In fact, the Government Accountability Office is down there doing that right now. As often as that building is used to justify a pot of tax haven gold, it will be good to get an independent agency, such as the Government Accountability Office, to give us an objective perspective on this issue.

I would like to give Senators some background on where that picture comes from and what issue it is aimed at. The picture comes from an article published in the Bloomberg Market, August 2004, titled ''The $150 Billion Shell Game.'' The article focused on the ability of U.S. multinationals to shift income to low-tax jurisdictions through transfer pricing.

''Transfer pricing'' is the term for how affiliated corporations set prices for transactions between those corporations. Transfer pricing is important because it determines how much profit is subject to tax in the different jurisdictions involved in related party transactions.

The $150 billion figure is an academic estimate of the annual amount of profits that corporations shift outside the United States with improper—and I emphasize ''improper''—transfer pricing—in other words, trying to violate the law.

One of the Democrats' revenue raisers that is still on the shelf purports to target this transfer pricing problem. But you would not know it by looking at the language of the proposal because it doesn't make any changes to our transfer pricing rules. Instead, the proposal would eliminate deferral for income of any U.S. multinational foreign subsidiaries incorporated in certain black-listed jurisdictions. It is called the tax haven CFC proposal.

Deferrals have been part of our Tax Code since 1918. Deferral means that U.S. multinationals do not pay tax on the active income of their foreign subsidiaries until that income is repatriated to the United States. Passive income is subject to tax on a current basis. Deferral only applies to active income.

I agree with the premise of this proposal that the U.S. multinationals should pay their fair share of U.S. taxes. I think I proved that with closing some of these tax shelters and improper offshore activities in previous legislation. I have already talked about that issue. U.S. multinationals who use improper transfer pricing do so to obtain the benefit of deferral on profits that economically should be subject to tax in the United States on a current basis.

Here is my quote from this Bloomberg article:

> We have to get on top of corporate accounting and manipulation of corporate books for the sole purpose of reducing taxes.

My view is that stronger transfer pricing rules and stronger enforcement of those rules is the way to target this problem in our current international tax system.

The IRS is taking steps to tighten our transfer pricing rules. For example, the IRS has proposed regulations that would overhaul the rules for the so-called cost-sharing arrangements. These are arrangements by which multinationals of our country are able to transfer intangible property to subsidiaries in low-tax jurisdictions. Based on the volume of complaining I have seen from lobbyists and their leveling it at the Treasury and the IRS, the proposed IRS regulations would go a long way to prevent this artificial income shifting. I hope to see these regulations finalized soon, and I believe they will be. Others have a whole different view. They would eliminate deferrals altogether.

Another quote in the Bloomberg article succinctly states this view. This is a quote from Jason Furman. He is a former aide to Senator KERRY:

> American companies should pay taxes on their profits in the same way whether they earn them in Bangalore or Buffalo.

That is where these proposals to eliminate or curtail deferrals on a piecemeal basis are headed. They are headed to the complete elimination of deferrals for U.S. multinationals.

Without a significant corporate tax-rate reduction—and thank God some candidates for President are talking about that. There are Members of this body who believe we ought to reduce the corporate tax rate so we can be competitive on an international basis but without a significant corporate tax rate reduction. Eliminating deferrals altogether would have the effect of exporting our high tax rates and putting U.S. multinationals at a competitive disadvantage in the global marketplace.

Understand, our corporate tax rate is the second highest in the world. We are

not even learning from Germany yet, a socialist country that decided they have to reduce their marginal tax rate to be competitive in the world market. Ireland found that out in 1986 and has economically advanced since they did that. Everybody understands our tax rates make us uncompetitive. Do we want to make it worse so we lose more jobs? I don't think so, but I don't think people have thought about it.

The Senate is on record as wanting to protect the competitiveness of U.S. businesses in the global marketplace. The Senate passed the American Jobs Creation Act of 2004. I referred to that bill before in my remarks this afternoon. That bill contains several international simplification provisions, and it passed with a vote of 69 Senators, including 24 Democrats. The Senate version of the JOBS bill, which also contained these provisions, received a vote of 92 Senators, including 44 Democrats.

There has been a longstanding debate about whether our international tax system should be fundamentally changed, and that is a legitimate debate. Some say the transfer pricing regime used by virtually every major country is broken and calls for taxing all foreign income on a current basis. Others argue for completely exempting active foreign income under a territorial system, as many of our trading partners do and, consequently, one of the reasons behind our uncompetitiveness. But we want to have that debate, and if we do, then it is a fair debate.

The budget resolution does not contain specific proposals, but if the Democratic record is assumed on offshore tax issues, then we can count on a lively debate from this side to eliminate deferrals because we do not intend to do anything to make our businesses in America that create jobs more uncompetitive. We have to do things to make us more competitive.

We have already seen what the House Democrats would do, and I am a referring to points I referenced already this afternoon. I may disagree with most of the international proposals in that bill that was referred to as ''the mother of all tax bills'' last fall—that is what the chairman of the Ways and Means Committee called his tax reform plan—but at least the chairman of the Ways and Means Committee raises the issue in an intellectually honest way, setting the stage then for fundamental reform and also proposes to lower the corporate tax rate to 30.5 percent. That rate may still be too high, but at least the Ways and Means Committee chairman recognizes the concern that I laid out earlier about exporting our high tax rates.

The piecemeal cutbacks on deferral for active foreign income that we have seen in the Senate would do nothing but complicate the Tax Code and create opportunities for tax planning around these cutbacks.

The other offshore issue identified by the chairman of the Budget Committee is U.S. tax evasion by individual taxpayers who hide their assets and income in foreign bank accounts and foreign corporations. Let's go back to the beginning of the Tax Code in 1913. Our Tax Code has subjected U.S. citizens to tax on their income wherever it is made worldwide. No matter what the Internet purveyors of tax evasion say, this principle cannot be avoided by putting passive assets and income into foreign corporations. The Tax Code has rules to prevent that. Taxpayers who willingly violate these rules are guilty of tax fraud and, in many cases, criminal tax fraud.

The problem of offshore tax evasion is not that our laws permit it; the problem is there are some taxpayers who are intent on cheating and hiding their income from the Internal Revenue Service.

The IRS has been successful in catching many of these tax cheats, but more can be done. The IRS has difficulty detecting tax evasion and obtaining the information necessary to enforce our tax laws. One important tool for the IRS is information exchanged with other jurisdictions. Our double-tax treaties contain an article on information exchange designed to help the IRS obtain quality information to enforce our tax laws.

In addition, administrations, past and present, have entered into over 20 tax information exchange agreements with jurisdictions that are often referred to as tax havens. We are seeing this information exchange network in action as we speak, providing the IRS and other countries with information related to the use of bank accounts in Liechtenstein. Sensible solutions to this problem should aim to improve on our tax information exchange network and not put that network at risk or the efforts at risk.

Underreported income is the largest piece of the tax gap. We should keep in mind that hiding assets and income from the IRS is not just an offshore tax problem, it is not an offshore tax haven problem; it may also be an onshore problem. In fact, it is an onshore problem.

An article in USA Today last year noted that ''there is a thriving mini industry that has capitalized on real or perceived gaps in domestic and corporation laws and virtually nonexistent Government oversight to promote some U.S. States as secrecy rivals of offshore havens.''

The picture of the Ugland House in the Cayman Islands that I referred to earlier makes for good grandstanding, but as I am sure the distinguished chairman of the Budget Committee is aware, there are also office buildings in some States that are listed as addresses for thousands of companies that are incorporated in those States for similar reasons as those incorporated in the Cayman Islands: secrecy of ownership and a permissive regulatory environment. Whatever additional solutions the Finance Committee comes up with to shine sunlight on tax evaders will need to consider both offshore and onshore evasion of taxes.

I emphasize that I am all for shutting down inappropriate tax benefits from offshore arrangements. The chairman of the Budget Committee has said he thinks we could get, I believe, $100 billion from this source. I have not seen any proposals scored by the Joint Committee on Taxation that come close to bringing in this kind of money, and the Joint Committee on Taxation is the official scorer. The last score I have seen for a tax haven CFC proposal is about $1.5 billion per year. The more fundamental ''mother'' bill that I referred to from the chairman of the Ways and Means Committee in the other body would raise about $10 billion per year.

I wish to emphasize to my colleagues another point. Each of these proposals that would eliminate or curtail deferral involve tax policy changes that raise taxes, which is the last place the distinguished chairman of the Budget Committee said he wanted to go to raise revenue.

On the offshore evasion issue, Senators Levin, Coleman, and Obama have introduced a bill that contains several proposals, and these proposals are aimed at offshore tax havens. Yet, again, I have not seen a Joint Committee on Taxation score of that bill, and they are the official scorer.

Once again, it will be the Finance Committee's responsibility to come up with real, sensible, effective proposals that combat offshore and onshore tax evasion, which I am glad to do, but the likelihood that they will be scored by the Joint Committee on Taxation to bring in the kind of money assumed in this budget resolution is very remote at best.

Given these facts, it should be obvious how much of a shell game is going on and how unreal this budget resolution is.

Mr. President, as my colleagues know, within the Finance Committee, we have jurisdiction over health care issues. I wish to address those health care issues in this budget resolution as well.

The biggest health care issue in this budget resolution is a stealth provision—stealth. You cannot see it, but it is there. And I am going to talk about the issue of reconciliation, a process that was supposed to be used to save money, but I think in a stealthy way, before this is done and out of conference, it is going to be used to increase expenditures.

It is true there are no reconciliation instructions for spending in the Senate resolution, but there is in the House version, and that is going to make it conferenceable.

Last year there was a single committee instruction in the House-passed resolution but not in the Senate-passed resolution. The final conference version last year deferred to the House, no reconciliation. So I am willing to bet that the House instructions will be

the final budget that comes back from the House-Senate budget conference.

Truthfully, it makes no sense for the House to have reconciliation instructions in the first place. The House does not need reconciliation protection. The Speaker and the Rules Committee make sure the House is strictly controlled by a majority vote. Reconciliation is only important for the purposes of the Senate to avoid filibuster, to avoid a 60-vote supermajority, to get to finality in the process, limiting the role of the minority. And, remember, the Senate is the only institution in our political system where minority rights are meant to be protected and are, in fact, protected.

I do not think the other side wants a debate in the Senate about reconciliation, so they have hidden the reconciliation instructions in the House bill so they can drop it in their final budget. Since I am pretty confident it will be there in the final budget, I want to bring attention to the problems this creates as we consider all the work, and three-fourths of it comes out of the Finance Committee over the next few months of this session.

It is true, of course, that reconciliation can be a very useful and powerful tool for actually making policy to reign in Government spending. Reconciliation can be used to pass controversial reductions in entitlement spending. By design, the reconciliation process greatly reduces the role of the minority, be it Democrats for 12 years prior to now or Republicans now. But let us review the basics on how to make law around here. To make law, not only does Congress have to pass it but the President has to sign it or you have to have votes to override a veto. In the last 20 years, precisely four vetoes have been overridden—not a very high percentage.

Pursuing an override strategy is an uphill battle as anyone such as Senator BAUCUS and I, who have worked so hard on the SCHIP bill last year, found out. To have the President sign it means the bill will have to be bipartisan. The President is not going to sign a partisan bill. The President will not sign a bill that lacks involvement and support from the minority as well as the majority.

Since reconciliation cuts Republicans out of the process, it ain't going to work. Likewise, what do you have to have to override a veto? Republicans, of course. About 16 in the Senate and 60 in the House if you are going to get anything done. Since reconciliation is a partisan process, it is passed with only partisan support, it is pretty clear it will not work. It will be a pointless political exercise. It will not become law, plain and simple.

If you want to make law around here, it has to be bipartisan. That means in this body involving the Republicans, and since you will need Republicans to make law, you do not need reconciliation to get a bill passed in the first place. If the effort is bipartisan, you do not need the restrictive rules of reconciliation to get it done. I think Senator BAUCUS and I, working together in this legislative process in this body, have proved that over and over and over in the 8 years we have been working together.

What we are considering today is not about making policy. So what is the point of it? Well, I think it is about playing politics. We are in an election year. In fact, it is a Presidential election. We all know the stakes are very high. So why on Earth should anyone believe that trying to move a partisan Medicare and Medicaid reconciliation bill makes any sense at all?

Exactly what bill does the majority want to pass that will not have broad bipartisan support? Fortunately, the chairman of the House Ways and Means Committee answered that question for all of us. He confirmed that he wants to include the House-passed Medicare bill from last year in reconciliation, a bill better known in the health care circles as the CHAMP Bill, acronym C-H-A-M-P, CHAMP.

You may be wondering what it is in the CHAMP bill that would not pass unless it would be included in reconciliation. Fortunately, there is an answer. The House CHAMP bill includes drastic cuts to home health care, to hospital care, and skilled nursing care. The House CHAMP bill also would end availability of Medicare Advantage plans and their extra benefits in most of rural America. It would also drastically cut benefits for rural seniors who are enrolled in Medicare Advantage plans throughout the country. It would also cut other benefits such as preventive health benefits that seniors rely on when they enroll in Medicare Advantage plans.

The House CHAMP bill would also result in higher out-of-pocket costs for lower income seniors who are enrolled in Medicare Advantage. The House CHAMP bill also has some changes in the State Children's Health Insurance Program that merit further discussion, to be sure. It would turn the capped SCHIP block grant program into an uncapped entitlement program. Childless adults would be allowed to stay on SCHIP indefinitely. Remember, we had that debate last year. Everybody said a children's health insurance bill is for children, not for adults. We did things in this body to make sure adults were not covered by the children's health insurance bill because it cheats children.

So why would you want to go back to something we debated and carried by a two-thirds vote in this body? And it would add coverage for immigrants who have come here illegally to the SCHIP program as well.

None of those provisions were included in the bipartisan package we worked out together last year. I have got a chart here that will emphasize this. It is the whole to-do list that is hidden in their agenda for the year. It is hidden in their stealth plan to do a reconciliation bill this year.

One logical question you might ask is: Why would they be thinking about using reconciliation this year? The answer is simple. They know they do not have the votes to pass these kinds of dramatic Medicare cuts and they do not have the votes for these bad policies we changed in SCHIP last year. So they want to force it through the process by stuffing it into a partisan reconciliation bill.

Now, focusing back on Medicare, let us consider what is at stake. We have until the end of June to pass a Medicare bill that the President signs into law. If the Democratic leadership insists on using budget reconciliation for this Medicare bill, they will fail to get a bill enacted. Failure to get this done by June 30 has serious consequences for seniors and disabled Americans who rely on this important Government program we call Medicare for their health care. Failure to get the bill done and signed means that severely disabled and injured Medicare beneficiaries will not be able to get the therapy they need beginning in July. Failure means that sorely needed doctors and other health care professionals in rural areas are going to see drastic reductions in their Medicare reimbursement. It means low-income beneficiaries who need help with their Part B premium will not be able to get it because the Qualified Individuals Program in Medicare will have expired. It means patients with end stage renal disease who need dialysis will still be in the system in need of payment reform. Necessary reforms are needed to improve how end stage renal disease facilities are paid so they have stronger incentives for improved critical outcomes and enhanced quality of care.

Reforms are also needed to eliminate incentives for the overuse of drugs in that program. It means that seniors' reliance on ambulance services in rural areas will be put at risk because of underpayments for rural ambulances. It means that beginning in July, Medicare beneficiaries will have their health care threatened when family doctors, surgeons, medical specialists, and nurse practitioners all across the country will have Medicare payments cut by more than 10 percent.

I hope you realize how demoralizing that will be to doctors in this country when they face a 10-percent reduction. In many areas, doctors are already in short supply. With a 10-percent pay cut, some may solve their problem by not accepting Medicare beneficiaries. New beneficiaries may also have trouble finding a doctor.

Failure also means other important initiatives will not get done. It means that legislation to strengthen incentives for physicians to use electronic prescribing will not happen. This means we will continue to have higher rates of dangerous medical errors, that people have their lives put at risk.

It means our Nation's seniors and disabled Americans will still be in the health care system that rewards poor

quality care, because enacting hospital value-based purchasing in Medicare is not going to happen. These are some of the reasons why we should not be thinking about reconciliation as a way to avoid this set of outcomes in July. I hope we can set aside this reconciliation charade. I hope we can continue to work in this body in a bipartisan way, as we have a reputation for doing in the Finance Committee, to get a Medicare bill passed and signed by the President by the end of June.

It is quite clear: The stakes for failure are too high. So let us not kid ourselves about including a reconciliation instruction in the final budget, meaning what comes out of conference. It is not about making policy. No one should mistake it for a serious effort. It is about jamming a bill through Congress and forcing the President to veto it. It is about making politics that threaten the Medicare Program and the seniors who rely on it. I will have nothing to do with that sort of a process. I do not think very many people on this side of the aisle will either.

What we are considering today is not about making policy. Then what is the point? It is politics. If we are going to have a serious effort at legislating, I hope the other side would decide not to pursue a partisan reconciliation bill. Instead we need to work out a bipartisan bill that can become law.

The bottom line is that reconciliation is a bad idea. It is partisan. It will not become law. We have serious work to do before the end of June, and a sham political reconciliation exercise is not getting us any closer to getting the job done.

While the stealth reconciliation instruction is the most disturbing facet of this budget, it is not the only problematic health care provision. The budget misses the opportunity to continue the bipartisanship that was forged in the Senate over the State Children's Health Insurance Program last year that passed this body, sometimes with 69 votes.

Last year, SCHIP reauthorization was a top health priority. It was a difficult and it was a bruising battle. But the $35 billion compromise bill garnered 68 votes in the Senate. It was a true show of bipartisanship.

Now, rather than come back to the second session of this Congress to roll up their sleeves and finish the job, it looks to me as if the Democratic majority is abandoning that bipartisan work from last year.

Now you might say, how do I know that? Well, it is very clear, because the budget before us returns to the $50 billion reserve fund for SCHIP from last year's Democratic budget, a figure that was soundly rejected by the Senate last year in the compromise that was put before us that got those 68 votes.

My colleagues know that a key feature of last year's SCHIP deal was to cap spending at $35 billion. But they did not include the $35 billion for SCHIP that had bipartisan support. So where, then, is the bipartisan spirit on SCHIP that was here last year? Why is it not here this year?

Mr. CONRAD. Will the Senator yield on that point?

Mr. GRASSLEY. Yes, I will yield.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from North Dakota.

Mr. CONRAD. I asked that same question myself. Why do we not put in the $35 billion figure? And the answer was: It is up to $50 billion so it would accommodate the $35 billion compromise, but it also was with the understanding that a year later, maybe that would need to be $36 or $37 billion, to have the same force and effect.

I would say to the Senator, there was no intention here to leave an impression that we were not eager to continue the bipartisan effort.

I wish to salute the Senator. He made an enormous effort, as did Senator BAUCUS, Senator ROCKEFELLER, and Senator HATCH. They spent many hours putting together a bipartisan agreement on SCHIP. We certainly don't want to in any way leave the impression that we don't want to pursue that again.

Mr. GRASSLEY. The Senator from North Dakota backed us on that effort, and I thank him for that. And the extent to which you say you would be willing to work, I assume you are speaking as a person, for $35 billion instead of 50, I accept that. But I am saying for the public who is looking at this document we call the budget resolution, that has $50 billion in it. You draw other conclusions.

Mr. CONRAD. If the Senator will continue to yield, that is why the language in the resolution says up to 50. Again, I say to my colleagues, I have every intention to pursue again the effort that you and the chairman of the committee pursued so vigorously last year.

Mr. GRASSLEY. I thank the Senator. I am happy to yield to the Senator from New Hampshire without losing my right to the floor.

Mr. GREGG. In order to accomplish the goals the Senator wishes to accomplish and which have been subscribed to by the chairman of the committee, you wouldn't need reconciliation to accomplish that, would you?

Mr. GRASSLEY. No, you would not. In fact, it detracts from it. Because too often reconciliation tends to be a partisan issue, and we will never get SCHIP through here that is not bipartisan. I think you are making the case that I have taken a long time to make, that reconciliation is not a process we need to accomplish most of the major goals in some of these areas that there is bipartisan agreement to reach.

Mr. GREGG. That was my point. I think the Senator from Iowa has made an excellent case for why this reconciliation, I think he called it a stealth vehicle floating around here, should not be used. It is inappropriate and certainly undermines the integrity of the process to use reconciliation for this type of an issue.

Mr. GRASSLEY. Based upon what the Senator from North Dakota said about SCHIP, I will not go on making my case about that. He has pointed out what the intention is, which is not to preclude something less than $50 billion, and that brings us back to the possibility of a bipartisan compromise, assuming we don't have reconciliation.

I will go on then to certain CMS regulations and how they are treated in the budget resolution. I know some people have concerns with the CMS Medicaid regulations. I will not argue that these regulations are perfect. In fact, I have written for my constituents a lot of letters to CMS raising questions about some of these regulations. However, the regulations do address areas where there are problems in Medicaid. Somehow I read this budget resolution as not recognizing those real problems. States don't have clear guidance and could be inappropriately spending taxpayers' dollars. We ought to make sure that since Medicaid is a Federal-State program, that we have 50 States to deal with, they ought to have as much assurance as they can have in our basic law and regulations as to what they can do and not do. We ought to be concerned that they know that. Because if they do something wrong, we pay over half. In my State, we pay 62 percent of the cost of Medicaid. So let's talk about how many dollars might be involved.

The budget resolution provides for $1.7 billion that is going to be addressed by these regulations. The amount is only to delay the regulations until the end of March of next year in hopes the next administration will pull back those regulations. Of course, that is what the people who are supporting this provision are hoping for. What would it cost if we tried to completely prevent these regulations from ever taking effect? Not the $1.7 billion that is in this budget resolution to get us through to March of next year. It would actually cost taxpayers $19.7 billion over 5 years and $48 billion over 10 years. Let me emphasize that, $48 billion over 10 years. It is a farce, from my position, an absolute farce for anyone to argue that all those dollars are being appropriately spent and that Congress ought to walk away from these issues, forget about what CMS is trying to do to bring some rationale to the spending of taxpayer dollars.

CMS still has a fundamental responsibility to combat fraud, to prevent inappropriate spending, and to protect the integrity of the Medicaid Program. This budget resolution tells CMS to stop your work. Take the rest of the year off. Your work is no longer necessary.

This is a serious mistake. What we ought to do is have an instruction that requires the Finance Committee to replace the regulations. Instead of making the regulations go away, the Finance Committee ought to be tasked

with replacing them with a policy that fixes the problems. That is what we should be doing for the American taxpayer.

So let's review what we have in the budget resolution. First, we have a stealth reconciliation provision that promises to place politics over getting important policies accomplished. Second, we have an SCHIP provision that abandons the bipartisan progress made in 2007, recognizing the dialog I had with the chairman of the Budget Committee on that point, after I made my point. Third, we have a Medicaid provision that carelessly abandons the integrity of programs in several key areas, costing, if it would stay in place forever, $48 billion over 10 years. With spring training in full swing, I would like to borrow a baseball analogy. That is one, two, three—well, you know all the rest.

I have some comments I wish to make about the provisions that might be offered in what is called the tax relief measures and particularly those that might not be included in an amendment that is going to be offered from the other side of the aisle. I would like to define for my colleagues some of the widely applicable expiring tax relief provisions that are not going to be covered by an amendment that I think is going to be offered by my friend from Montana, Senator BAUCUS, in an amendment he has. I know already that Senator GREGG, the ranking Republican on the Budget Committee, has pointed this out, that the lower rates on capital gains and dividends would rise after 2010, under the pending amendment. That means that lower income taxpayers', those in the 10- and 15-percent tax brackets, capital gains rates rise from the current zero rate to 10 percent.

It means for dividends for the same group, the tax rate would go from zero rate to either 10 or 15 percent. Why would anybody want to discourage people who are in those brackets, usually lower income earning people, from having to pay a higher rate of tax on their savings, when the rate of savings in this country is at such a low level compared to other countries? In fact, last year it was a negative savings rate for all America. For all other taxpayers, though, the capital gains rate would go up 33 percent, from 15 percent to 20 percent. For those taxpayers, the dividend rate would go from 15 percent to as high as 39.6 percent on dividends as opposed to capital gains.

As important are marginal tax rate hikes that would kick in after the year 2010. Here I am talking about all the tax brackets above the 15-percent bracket. We have a chart that tells exactly what is going to happen with each of these and how many families and individuals are being affected by these tax rates—who are going to have the tax rate increase. The chart shows the current law brackets and the number of tax-paying families and individuals in each bracket. The data is the latest available from the Internal Revenue Service Statistics of Income Office. There are four brackets above 15 percent. The first is a 25-percent bracket which contains 22 million families and individuals. The next bracket is 28 percent. There are almost 4 million tax-paying families and individuals in that bracket. The next bracket is the 33-percent bracket. There are 1.5 million tax-paying families and individuals in that bracket. And the top bracket is 35 percent, and in that 35-percent bracket is almost a million people. This is a group whom you will hear most about from the other side. Even it is a sizable group, 963,000 people. It contains a lot of stable and long-term small business owners who create most of our jobs. The other side would like to leave the impression that these are nothing but Wall Street moguls.

If we were to raise this rate, as proposed, to 39.6 percent, the small business owners would be facing a 13-percent penalty vis-a-vis the largest corporations in the land.

Now where do you get the idea that is good for America, that small businesspeople, sole proprietors filing individual taxes and in the business of creating jobs, ought to pay 13 percent more than what corporations pay? In fact, the whole purpose of the 2001 tax bill was to make sure there was parity between sole entrepreneurships creating jobs and corporations creating jobs. We are talking about a small group of people, 963,000.

If you total the number of tax-paying families and individuals affected by these marginal rate increases, it is a total of 28 million families and individuals. Keep in mind, as I said yesterday, that is a group of tax-paying families who start paying on taxable income of $63,000, and for individuals it starts for as low as $32,000 of taxable income. This large group of taxpayers would face various marginal rate hikes, if the policy underlying the pending amendment were to become law.

The better way to deal with these current law levels of taxation would be to make them permanent because permanency of tax policy is the best tax policy that is going to create the most jobs.

There will be an amendment to be offered by Senator GRAHAM that ensures capital gains and dividend rates stay at the current low levels for lower income taxpayers. The Graham amendment will ensure that roughly 28 million families and individuals would not face marginal tax rate increases after that.

For those Members waiting to speak, I have one more fairly short comment I wish to make on another provision in the bill that was put in, in committee. I come before you to discuss payment limitations, meaning payments to farmers.

For years I have been leading an effort to put a very hard cap on the amount of Federal subsidies going to farmers. Last year, as everybody knows, I stepped aside. I wish to say I graciously stepped aside during the budget debate when—

Mr. CONRAD. Madam President, will the Senator yield?

Mr. GRASSLEY. Madam President, I will yield to the Senator.

Mr. CONRAD. Madam President, let me say there have been a number of examples last year and this year of what I think distinguishes the Senate. The actions by the Senator from Iowa last year were an example of courtesy and graciousness that I will never forget. I want to say publicly, as I have said before, how very much I appreciate what the Senator did last year to withhold an amendment that would have otherwise taken down the budget. It was an act of great courtesy, and I thank the Senator for it.

Mr. GRASSLEY. Well, Madam President, I appreciate the Senator's kind words. I am going to kind of use some words that I think he spoke to me last year, and I would not say they are an absolute quote, but it went something like this: Chuck—that is my first name. This was in private. You do not call us by our first name on the floor of the Senate. But something like this was said to me: Chuck, hold off on this. We will do this on the farm bill in 2007.

Well, we did do the farm bill in 2007, but we do not have it done yet. Anyway: Chuck, hold off on this. We will do this on the farm bill in 2007. You know you have the votes there.

So I backed off and I waited, as has been verified by the chairman of the committee. Everyone knows what happened. His colleague, Senator DORGAN of North Dakota, and I worked hard over a period of a couple years to be able to offer an amendment of a $250,000 hard cap to the commodity programs on the Senate floor to the farm bill. Do you know what. We had a majority. We had 56 Senators who voted to support this hard cap. I can tell by looking at some other Senators here, we probably had 58, but there were reasons otherwise for voting. But leadership—and all I can say is in a generic way—leadership imposed a supermajority requirement on the amendment. We did not have 60 votes. So if you do not have 60 votes around here, sometimes you do not get anything done.

At this point there is no guarantee we are even going to have a farm bill. I think we will, but I cannot guarantee it. I do not like to say this because I am very hopeful that we will, but there are a lot of hurdles to jump before we get there. We have not been able to come up with acceptable offsets that the administration can agree to. We have not been able to find a structure for the Finance Committee's assistance that the House can live with. The House has not even named conferees, so we have not even begun to engage in the very serious, substantive policy issues that get us to finality, even though there is a lot of talk going on and there are a lot of meetings going on. So this year, we are back where I

was a year ago on the budget. Last week, Senator ALLARD and I offered an amendment on payment limits during committee consideration of the budget resolution. This amendment would limit commodity payments and allocate the savings to nutrition. The amendment was agreed to by a bipartisan vote of 13 to 9.

Here I am to put everybody on notice that this $250,000 hard cap should be carried through to the conference report. I want to have an adequate safety net for family farmers in the tradition of farm programs for six, seven, or eight decades, where it was targeted toward small- and medium-sized producers, people who maybe cannot ''weather the storm'' as the big gigantic farmers can. That storm can be natural or it can be politically instituted or it can be internationally instituted—a lot of things beyond the control of the family farmer. So we have had a safety net to guarantee a stable supply of food for our people, both for social cohesion as well as for national defense.

Now, in recent years, however, assistance to farmers has come under increased scrutiny by urban communities and the press.

Do we have a chart? Yes, we have a chart here I wish to have you look at.

The law that is now being administered maybe has unintended consequences, but they are real consequences. The law creates a system that is clearly out of balance. If we look at the results posted on this chart, we have a system where 10 percent of the farmers—the biggest farmers—get 73 percent of the benefits out of the farm program, and the top 1 percent gets 30 percent. I am not saying these corporate farms should not have a safety net like everyone else. This amendment is not means testing anybody. But it is saying at some point: Enough is enough. We have to set a hard cap, a hard level of payments that is equitable to all producers, no matter their size, with emphasis upon helping small- and medium-sized farmers.

My amendment adopted in committee and included in this resolution will help revitalize the farm economy for young people, at the same time saving taxpayers money or, better yet, using that money in nutrition where it will do some good for lower-income people.

The amendment will put a hard cap on farm payments at $250,000. I want to make a very clear distinction here. Even if we have a farm bill—because the arguments are going to be made against this bill: We are in negotiations on a farm bill. Why mess with this in a budget? Well, if we do have a farm bill, I have a feeling it is going to end up relaxing payment limit laws that we have in the 2002 farm bill. The House of Representatives, in their farm bill, actually increases direct payment caps. And both the House and the Senate totally eliminate the cap on marketing loan gains, making them virtually unlimited.

So you have farm bills passed by both Houses that you could drive a gigantic 9620 John Deere tractor through—and those are big tractors. I will support trying to lower the adjusted gross income limits, but I have seen a lot of data that suggests that not many farmers are going to be kicked out of the program if they are filthy rich, do not need the help, do not need the support, do not need to be subsidized to get bigger. They have the ability to get bigger on their own economic entrepreneurship. We should not have to subsidize them.

In addition, I have evidence that the U.S. Department of Agriculture is not even enforcing current law, the current adjusted gross income cap of $2.5 million. So what makes us think they are going to enforce something at $500,000?

This to me is more than just economics of the farm program. This is about good government. This is about responsibility to the taxpayers. Most importantly, this is about protecting the livelihood of America's small and midsize farmers who you might say are protected anyway because there is a safety net for them.

But my point is, you pay these 10 percent of the biggest farmers 73 percent of all the money out of the pot that is set aside for support for farmers, and we are going to lose urban support for the farm safety net, and small, medium, or big, there is not going to be any farm safety net, and someday you are going to wonder why there is not enough food in America.

I want to take a minute to outline some of the folks who have supported this in the past. All 12 Democrats on the Budget Committee have voted to support this measure at one time or another. Last week, we had 13 votes in favor of a $250,000 hard cap, including a majority of Democrats. We have support from groups that are concerned about hunger in America or hunger in the world. We have the support of environmental groups. We have churches backing this. We have small and beginning farmer advocates.

Let me remind this body of a report that was put out because of the 2002 farm bill. Remember, we had this argument in 2002. We won overwhelmingly in the Senate. It was taken out in conference because of big corporate farm interests that were on the House Agriculture Committee, and they are probably still there, even though it is under Democratic leadership.

We did not get these limits. So we had a commission report: Let's study this. Let's find out what we can do to make sure that 10 percent of the biggest farmers do not get 73 percent of the benefits out of the program.

Well, do you know what the report said. After about 2 years of study, it said: Do exactly what was done in the Senate in 2002. And that is exactly what we got 56 votes to do a couple months ago when the farm bill was up in the Senate—but not 60 votes to get over that hurdle.

The report also said that the 2007 farm bill is the time for these reforms to be made as part of a change in permanent law.

Well, that time has come. By supporting the policies included in the Allard-Grassley amendment, we can allow young people to get into farming and lessen the dependence upon Federal subsidies. This will help restore public respectability for public farm assistance by targeting this assistance to those who need it.

You might remember the last time we had a vote on payment limits was on the budget bill. Many of our colleagues said they agreed—no. The second time back we had a vote on this was on a budget bill. Well, at that time it was argued: Wait until the 2007 farm bill. It needs to be done on a farm bill. Well, you know what happened. You change the rules in the middle of the game. You think 51 votes will get an amendment adopted around here. Then somebody says: Well, we can't beat DORGAN and GRASSLEY with a majority vote, so we will somehow scramble around and wiggle the rules—and I don't know what all it takes; and it will never be in the history books—but it happens that all of a sudden you need 60 votes to get something done around here. We only got 56 votes, so we did not get it done.

But to all my colleagues who said: Wait, a couple years back during the budget debate, we are done waiting. We will not be brushed off again. Payment limits must be done now, and waiting for a stalled farm bill is not an appropriate strategy. I call upon my colleagues to back this commonsense measure which a majority of this body has supported numerous times in the past. I hope we can count on our Senate colleagues to support the Senate position on payment limitations in conference.

I yield the floor and thank all of my colleagues who were patient while I expressed my views.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the Senator from Iowa. You do not have to agree with all the Senator has observed. I do not agree with everything he said here, but I do have great respect for him. He has conducted himself as a gentleman, especially with respect to these budget matters. I very much appreciate that. I want to make certain I say it publicly.

I ask unanimous consent that Senator STABENOW, who has now waited well over an hour, be recognized for 15 minutes, to be followed by Senator GRAHAM on the other side for 15 minutes, before we go to the joint economic presentation which has already been locked in at 5:15.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. BUNNING. Madam President, I was assured I would have time at 5 o'clock to speak for up to 10 minutes.

Mr. CONRAD. Madam President, why don't we go to Senator STABENOW for 15 minutes, and then we will hopefully work out this matter with our other colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 15 minutes.

Mr. CONRAD. I thank the Senator from Kentucky for his courtesy.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Could we amend the unanimous consent to say that after Senator STABENOW speaks for 15 minutes we go to Senator GRAHAM for 10 minutes and then to Senator BUNNING for 10 minutes and the time that was supposed to start at 5:15 be moved to 5:20?

Mr. CONRAD. Well, the only problem with that is I might need to respond. Why don't we do this: Why don't we proceed with the understanding of Senator STABENOW for 15 minutes—and then the desire is to go to Senator GRAHAM; is that correct?

Mr. GREGG. For 10 minutes, and then Senator BUNNING for 10 minutes.

Mr. CONRAD. I would like to reserve the right to be able to respond to Senator GRAHAM, if I might. Will Senator BUNNING be speaking on the same subject?

Senator BUNNING has been gracious. Why don't we do that. We will have 15 minutes for Senator STABENOW, 10 minutes for Senator GRAHAM, and then we will go to Senator BUNNING for 10 minutes, and then I will reserve time in case it is needed to respond. We thank the Senator from Kentucky for his courtesy.

Mr. GREGG. Then we will amend the agreement so the Humphrey Hawkins time will start at——

Mr. CONRAD. At roughly 5:20. We pose that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 15 minutes.

Ms. STABENOW. Madam President, as my friend from Iowa is leaving the floor, I thank him for his incredible leadership on children's health insurance and the bipartisan way we came together around that measure. We hope to be able to do it again because we have millions of children and families who are still waiting for children to be able to receive health insurance.

I wish to speak, though, as a cosponsor of the Baucus amendment, to the middle-class tax relief amendment, which is so significant. I find it interesting: my friend from Iowa was referring to a chart that related to the payment limitation issue, with 73 percent of the benefits going to 10 percent of the farmers, where you could cross that out and put President Bush's tax cuts at the top, and you could have the very same kind of ratio or even more of a difference. You could take estate tax repeal and put that up there and have the very same kind of ratio. So I hope when we get to a debate of a permanent extension—which I understand is coming—of the President's tax cuts, that we will see that same kind of concern about where tax benefits are going in America. I have middle-class families, working families who are still waiting, frankly, to receive the benefits they have heard so much about.

That is what this amendment, the Baucus amendment, is all about: focusing on the extension and addition of tax cuts for middle-class families and for our brave men and women who are serving in harm's way right now around the globe, particularly in Iraq and Afghanistan, and their families. This is a very important amendment.

Let me start by saying what we want to address is the situation that is now occurring. We want to change what is now occurring as it relates to tax policy. Last year, in 2007, those who were earning more than $1 million a year received a tax cut of $119,557. So, roughly, it is fair to say $120,000 in average tax cuts for somebody earning over $1 million a year. That is more than twice what the average hard-working person in Michigan is earning, the paycheck that they are earning every single year.

What we are seeing across the country are folks in the middle class being squeezed on all sides and actually seeing their incomes going down. Too many times we are seeing jobs being lost overseas. We are seeing people being asked to take less in terms of a paycheck. But gasoline now is projected to be inching up toward $4 a gallon, if my colleagues can believe it. Health care costs are going up. The cost of college is going up. Everything is going up, while wages, for most people, are either staying the same or going down.

So when we talk about where we want to focus tax cuts for this country, it ought to be the folks who are working hard every day, who love this country and want to have the American dream available for themselves and their families but have not seen the tax cuts that have been talked about so much by the administration. So that is what this amendment talks about. Instead of $120,000 a year for somebody earning over $1 million, let's focus on middle-class families.

The Baucus amendment would permanently extend the 10-percent income tax bracket. Everybody would get relief, but proportionately it would be relief for low- and moderate-income families. It would extend the refundable child tax credit. We want to make sure those families who have more than one child—two, three, four children or more—are able to benefit from the child tax credit. The marriage penalty—we want to make sure that is extended. Certainly, we ought not to be in America penalizing folks because they are married when it comes to their tax returns. This permanently extends marriage penalty tax relief.

We also permanently extend the tax credit for childcare expenses. No one who has a child in America today will speak about childcare expenses as a frill. It is a necessity. If we care about children, children's well-being, and families, we need to make sure we are recognizing that childcare expenses are a very important and expensive cost for families, and we need to address that by permanently extending the tax credit for childcare expenses.

We also permanently extend the increased adoption tax credit. We want to make sure families who are reaching out to children, who want to be able to adopt a child, have support and incentive to do that. Certainly, the biggest incentive is that beautiful baby, but we want to make sure the Tax Code will help them with their costs and expenses as well. Again, this is a pro-family, pro-children, pro-middle class amendment. I am hopeful it is one that we are all going to embrace.

We all want to bring certainty to the estate tax law. No one, I believe, wants to see in 2010 the old law take place. We don't want to have uncertainty for families, for family farms, and small businesses. This permanently extends the tax relief that has already been adopted, the tax cuts that have already been adopted.

Something else is very important for families right now as they are struggling to keep their homes. We are all very focused and have spent time on the floor talking about what we need to do. Senator REID has put forward a very important proposal addressing what we can do to help with the home crisis and so many families losing their homes. This particular amendment includes a first of its kind standard deduction for property taxes for Americans who don't itemize on their Federal income tax returns but would allow them a tax deduction for their property taxes. This is a very important piece for supporting families who are working hard to be able to literally keep their home.

The other provision that is so significant is to focus on those things that are needed in the Tax Code to support our brave men and women who are serving us in Afghanistan, in Iraq, and around the globe. We have men and women now who are on third and fourth redeployments. They have made tremendous sacrifices, and their families are as well, and we need to be doing everything we can to support them. So this does a number of things. It has a permanent allowance for soldiers to count their nontaxable combat pay when they figure in the earned-income tax credit, so they can get the benefit of the earned-income tax credit for low-income working families. We provide a tax cut for small businesses that are paying some of the salary of the members of the National Guard and Reserve who are called to duty. Again, we have families now that are really at a point of desperation trying to figure out how to pay the mortgage, how to

keep going, and we have so many small businesses that are being supportive, and we want to recognize that and give them some support as well.

A permanent allowance for all veterans to use qualified mortgage bonds to purchase their homes, again, is another way to help people be able to purchase homes, to be able to do what we all want, which is to have a home, save through the equity of a home, and be able to live a good life in America.

We also have created the ability for Active-Duty troops to withdraw monies from retirement plans without penalty. This is very important, when people unfortunately now have dipped into savings. They may have a home equity loan going on and they find themselves in strapped situations and we ought to allow them to take their savings and retirement plans without penalty to be able to help them pay the bills.

We have an extension of a provision that gives retired veterans more time to claim a tax refund. Under certain disability benefit payments, the ability for families of reservists killed in the line of duty to be able to collect life insurance and other benefits provided by civilian employers and the ability for families of soldiers killed in the line of duty to contribute 100 percent of survivor benefits to retirement savings accounts or education savings accounts. This is a very important part of this amendment that pays tribute to those who have been asked to sacrifice the most, whether it be someone bravely serving right now in the war, someone who has come home disabled, or the family of someone who did not come home.

We are debating a budget resolution right now and talking about who receives benefits and where we have to make hard choices. The folks who have made the toughest choices are the folks who are serving us, serving our country in war halfway around the world. I have a lot of folks who are in this category of getting the more than $120,000 a year in tax cuts this last year who have said to me: I don't need it. I earn over $1 million a year. I don't need this. Give this to the men and women who are serving us. Help pay for the war so that we are not paying for it on a credit card or make sure our veterans have the health care they need when they come home or make sure we fund a GI bill that Senator WEBB has introduced that would provide educational opportunities for the men and women who have come home from this war that so far has lasted 5 years.

So there are many wonderful people who love our country who are saying this kind of a tax system where those who make less than $100,000 a year get $674, but if you make $1 million a year or more you get $120,000 in a tax cut, just doesn't make sense. In my opinion, it doesn't represent the great values of America, our values and priorities, what we are all about in this country. We are not about having a system where a privileged few receive all of the benefits, while we are asking so many others to sacrifice and to be able to be required, unfortunately, on too many occasions now, to lay down their lives for their country.

So I hope the Baucus amendment is passed overwhelmingly. Then I hope we say no to what I believe will be an additional amendment, which would extend this tax policy. It would extend it out. With a war unpaid for, with the massive debt that we have in our country, the obligations to our veterans and their families when they come home, we do not need to extend a tax policy that has given so many of our precious resources to a blessed few people in our country, many of whom are asking us, in fact, not to do that.

So I thank our leader on the Budget Committee for all of his wonderful leadership, as well as the ranking member.

I yield back the remainder of my time.

Mr. CONRAD. Madam President, would the Senator withhold for just one moment for the purpose of a unanimous consent request that the ranking member and I previously worked out?

Mr. GRAHAM. Yes.

Mr. CONRAD. Madam President, I ask unanimous consent that the Baucus amendment be temporarily laid aside for the purpose of the Republicans offering the Graham amendment, and that the Baucus amendment remains as the regular order, regardless of the pendency of other amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair, and I thank the distinguished Senator from South Carolina for his courtesy.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 4170

Mr. GRAHAM. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. MCCAIN, Mr. KYL, Mr. MCCONNELL, and Mr. DEMINT, proposes an amendment numbered 4170.

The amendment is as follows:

(Purpose: To protect families, family farms and small businesses by extending the income tax rate structure, raising the death tax exemption to $5 million and reducing the maximum death tax rate to no more than 35%; to keep education affordable by extending the college tuition deduction; and to protect senior citizens from higher taxes on their retirement income, maintain U.S. financial market competitiveness, and promote economic growth by extending the lower tax rates on dividends and capital gains.)

On page 3, line 11, decrease the amount by $949,000,000.

On page 3, line 12, decrease the amount by $3,215,000,000.

On page 3, line 13, decrease the amount by $93,791,000,000.

On page 3, line 14, decrease the amount by $127,024,000,000.

On page 3, line 15, decrease the amount by $151,137,000,000.

On page 3, line 20, decrease the amount by $949,000,000.

Qn page 3, line 21, decrease the amount by $3,215,000,000.

On page 3, line 22, decrease the amount by $93,791,000,000.

On page 3, line 23, decrease the amount by $127,024,000,000.

On page 3, line 24, decrease the amount by $151,137,000,000.

On page 4, line 5, increase the amount by $18,000,000.

On page 4, line 6, increase the amount by $110,000,000.

On page 4, line 7, increase the amount by $2,487,000,000.

On page 4, line 8, increase the amount by $8,005,000,000.

On page 4, line 9, increase the amount by $15,207,000,000.

On page 4, line 14, increase the amount by $18,000,000.

On page 4, line 15, increase the amount by $110,000,000.

On page 4, line 16, increase the amount by $2,487,000,000.

On page 4, line 17, increase the amount by $8,005,000,000.

On page 4, line 18, increase the amount by $15,207,000,000.

On page 4, line 23, increase the amount by $967,000,000.

On page 4, line 24, increase the amount by $3,325,000,000.

On page 4, line 25, increase the amount by $96,278,000,000.

On page 5, line 1, increase the amount by $135,079,000,000.

On page 5, line 2, increase the amount by $166,344,000,000.

On page 5, line 8, increase the amount by $1,214,000,000.

On page 5, line 9, increase the amount by $4,539,000,000.

On page 5, line 10, increase the amount by $100,817,000,000.

On page 5, line 11, increase the amount by $235,846,000,000.

On page 5, line 12, increase the amount by $402,190,000,000.

On page 5, line 16, increase the amount by $1,214,000,000.

On page 5, line 17, increase the amount by $4,539,000,000.

On page 5, line 18, increase the amount by $100,817,000,000.

On page 5, line 19, increase the amount by $235,846,000,000.

On page 5, line 20, increase the amount by $402,190,000,000.

On page 26, line 16, increase the amount by $18,000,000

On page 26, line 17, increase the amount by $18,000,000

On page 26, line 20, increase the amount by $110,000,000

On page 26, line 21, increase the amount by $110,000,000

On page 26, line 24, increase the amount by $2,487,000,000

On page 26, line 25, increase the amount by $2,487,000,000

On page 27, line 3, increase the amount by $8,005,000,000

On page 27, line 4, increase the amount by $8,005,000,000.

On page 27, line 7, increase the amount by $15,207,000,000.

On page 27, line 8, increase the amount by $15,207,000,000.

Mr. GRAHAM. Madam President, consistent with the unanimous consent request, I will talk for 10 minutes

about the outline of this amendment. I, too, would like to recognize the chairman of the Budget Committee and the ranking member for dealing with what I think is a very fruitful and important exercise in American democracy, and that is setting the budget. We are going to try to create a budget to guide the Federal Government not just this year but in coming years.

If I had to showcase a difference between honorable men and women in the Senate about our philosophies, how you think about the economy, showcase differences between people who are very sincere and all love their country, it would probably be this amendment. Senator BAUCUS's amendment—I will vote for that; it extends tax cuts to families, child tax credits. The details of the amendment will be discussed on the floor. Certainly, it is needed.

My amendment is about those tax cuts that will be left behind if we pass Senator BAUCUS's amendment and we let current law expire. This probably illustrates the difference between the parties as much as any other event that I could offer to the American people. We live in a global economy, and the question for America is this: What kind of tax structure do we need in place to make sure capital will be formed here and not leave? Does your Tax Code matter when it comes to creating jobs? Does the amount you take from a business—a small business or a major corporation—matter in terms of a global economy? Does it affect people's decision about where to do business? What is fair?

This idea of class warfare—that it is not fair to do this for one group if you are going to do something for the other group—would be a great debate to have. What I am trying to do is offer an amendment to complement Senator BAUCUS's, to make sure our tax structure in America is fair to those who work hard, who hire people, who create capital and jobs, to those in retired status who are depending on their investments earlier in life to get them through.

Here is the question for the country: Under the current law that we passed several years ago, which expires in 2010, the top tax rate is 35 percent. The question for America is: Is a 35-percent top tax rate at the Federal level fair? It seems to be a gracious plenty to me—35 percent out of whatever you earn going to the Federal Government as the top rate. Should it be more? Should it be less? Well, 35 percent, to me, is more than a gracious plenty to be sending to the Federal Government because most people have to pay taxes at other levels of government.

Now, in 2011, if we do nothing, the 35-percent rate goes to 39.6; the 33-percent rate goes to 36; the 28-percent rate goes to 31; and the 25-percent rate goes to 28.

If you ask a variety of Americans—and this has been true for 10, 15, 20 years—what is a fair amount for an American to pay to the Federal Government in terms of the income they earn, the No.1 answer is consistently 25 percent—regardless of income, region, rich, poor, black or white. Most Americans view 25 percent as a fair amount that somebody should have to pay to the Federal Government in terms of their income. We are now at 35 percent, and we are trying to hang on to that.

Our Democratic friends, by opposing this amendment, would allow the top rate to go to 39.6. But most importantly, it would allow the 25-percent rate for that class of taxpayers to go to 28. Who is at the 25-percent rate? It starts with income levels of $31,850 for single and $63,700 for married couples. In 2011, they would, at that rate—if my amendment is not passed—have to pay 28 percent.

That is a lot of money from the economy going to Washington, at a time when we need money at home for families and businesses. Small business owners are in the 35-percent rate in large numbers. Do we want to take every small business that is paying 35 percent of their income to the Federal Government and, 3 years from now, make it 39.6 percent? Numbers matter. To us, we are picking numbers. At home, it is the bottom line. I grew up in a small town in South Carolina, where my dad owned a liquor store, a restaurant, and a pool room. I can remember that we got by. Neither of my parents graduated high school. The one thing I can remember about small business life is you have no option not to get up and go to work. If you are dog sick, you still have to go to work because nobody will pay the bills if you don't open the door. We had health insurance basically for the four people in our family. My mother got Hodgkin's disease, and I paid those bills up through when I was in the Air Force. To the people out there making a living, the burdens of regulations matter.

I think we should come together and say something simple: 35 percent is enough to take from anybody. If you don't like rich people, if you think there is an amount of money that is too much to make, then that is one way to run the Government, I guess. That is one way to create a society—put a ceiling on what people can do. As long as you earn your money honestly and fairly, the better you do, the happier I am for you. If I take 35 percent of what you make, I think I have probably taken enough. Should I take 39.6 percent because somebody makes too much? If you let the Government do that, I think you are letting the Government get out of line and out of control.

And it is just not the people who make a lot of money whom I am worried about; it is people who are working for every dollar they can get to grow their business and pay the families' bills that I worry about.

As I said, the amendment I am trying to offer to the Senate will keep rates at 35, 33, 28 and 25 and not go to 39.6, 36, 31, and 28. If we don't pass this amendment, there is going to be a major tax increase coming to hard-working Americans out there, at a time when we live in a global economy; and if we take any more from Americans, a lot of our businesses are going to leave us. How many people are affected by my amendment? Twenty-eight million people will experience a tax increase by 2011 if this amendment doesn't pass.

Now, we have heard that two things are certain—death and taxes. The only thing I can tell you about taxes is that if you touch it, use it, put it in your car or eat it, in America it is taxed in some form. And then you die. Well, we have an estate tax law in America, and it goes kind of like this. The current law is you get a $2 million exemption for a couple at a 45-percent rate. If you have an estate over $2 million as a couple, the Government takes 45 percent of what is left. You have paid taxes on everything you have earned right before you died. Here comes the Government, after the $2 million exemption has been reached, and it takes 45 percent of what is left. That is current law. That is supposedly too good a deal. I don't think it is that great a deal.

In 2010, here is what happens if we do nothing: Instead of a $2 million exemption for a couple, it goes back to $1 million, and you get a 55-percent tax rate on everything else that is left. How many small businesses out there, on paper, have assets over $1 million or $2 million? How many farmers are land rich and cash poor? Is that good policy? One thing I can tell you for sure, being a former prosecutor, if we don't do something about this, there are going to be a lot of mysterious deaths on New Year's Eve 2010. Look at the consequences of dying one day versus the other. It is political malpractice for the Congress to put people in this bind, where estate tax rates go from 45 to 55 and the exemption is cut in half, based on dying one day versus the other. That is bad public policy. We need to fix it.

My amendment would say there would be a $5 million exemption for couples in this country and, after that, a top rate of 35 percent for the death tax. In other words, 35 percent of everything you worked for all your life, after a $5 million exemption, would be taken by the Government.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. May I have 5 more minutes?

Mr. CONRAD. Yes.

Mr. GRAHAM. What I am trying to do is offer an amendment that will preserve current law so in 3 years, in the case of the death tax, and 2 years, we don't hit people with a tax increase, at a time when we don't need to be raising taxes, at a time that we live in a global economy.

When it comes to the death tax, one in three small business owners is never able to pass their business on to the next generation because, when they

die, the assets are evaluated in such a way that people have to break up the business to pay the taxes or they have to sell the family farm.

That is not what we need to be doing in America. That is not fair. The capital gains taxes are at 15 percent under current law. In 2011, they go to 20 percent. There are over 9 million families and individuals who will claim capital gains, and if this amendment doesn't pass and we don't do something about this, there are going to be 9 million families hit by a tax increase out there, at a time when our economy needs more money in the private sector, not in Washington.

As to dividends, there are a lot of people in this country—24 million families and individuals—who receive dividend income. Under current law, it is taxed at 15 percent. In 2011, the dividends go back to regular income tax rates—a dramatic increase.

What does that mean? That means owning stock becomes less attractive. There will be less people buying stock and receiving dividends from purchasing stock. That means people who are trying to create a company or expand their business will have to borrow the money from a bank, rather than getting investors from the market, and that will create more debt on top of what is already a debt-laden country.

As to small business expensing, under current law, firms may expense up to $250,000 of qualified assets of property they place in service in 2008. In 2011, the expensing allowance is scheduled to revert to $25,000. By being able to expense, from a tax point of view, the purchase of assets, you are able to grow your business, and it makes it attractive to expand your business.

If we don't pass my amendment, in 2011, that $250,000 allowance goes down to $25,000. My amendment reflects a Tax Code that is very generous to the Federal Government but is still burdensome on families and businesses. But to let it get worse, at a time when we are competing in a global economy, and try to pit one group of Americans against another, at a time when we are trying to put our best foot forward as a nation under a stressful business climate, is ill advised.

If you think America is undertaxed, then vote no. If you think we have taken a gracious plenty from business and families, then vote yes. If we don't make these tax cuts permanent in 2013, we are going to drive people offshore and create less jobs, not more; we are going to tax people who are struggling to make it as it is; and it will all be under the idea of fairness. It is unfair to not pass my amendment.

I think it would be incredibly shortsighted not to pass my amendment and make these tax cuts permanent that would allow Americans to keep jobs and grow jobs and pay the bills they are struggling to pay right now.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, there will be no more rollcall votes tonight. There has been tremendously good debate. We have had few, if any, quorum calls all day long. It has been a good and productive debate. The two managers are working through the amendments. An amendment has been laid down on both sides. We are making good progress. Hopefully, tomorrow we will make even more progress. I appreciate the good work of the managers of the bill.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. BUNNING. Madam President, I wish to speak today as a member of the Senate Budget Committee. I had hoped the budget that was presented before the committee last week was going to be fiscally responsible and would help to address the mounting financial problems families face today, problems such as the rising cost of filling up a tank of gas, increased expenses for health care, and declining equity in the family home. Instead, this budget before us assumes Congress will allow the largest irresponsible tax increase in the history of the United States to go into effect. At $1.2 trillion, it would be the largest tax increase in history, and taxes would go up $2,300 on 43 million American families, $2,200 more on 18 million senior citizens, and $4,100 more on small businesses. Because of this, I was not able to support the budget resolution in committee, and I will be forced to vote against it here unless some drastic changes are made.

This tax increase will hit family budgets hard. Let me tell my colleagues what $2,300 means to most American families. The family budget—and we are talking about groceries now—$2,300 is enough to buy 8 months of groceries. Next, we have the bills for gas and electric for heating; $2,300 a year is enough for 43 million American families to buy enough gas and electric for 1 year's heating. It is almost enough money for American families with two cars to buy gasoline at $3.20 a gallon for unleaded regular for almost an entire year. We should not, at this time, be placing more of a burden on the American people with a huge tax increase. Instead, we need to pass a budget that includes progrowth policies to help balance the family budget.

This budget proposal increases spending by $210 billion in discretionary spending—an increase of over 9 percent of what we spent in fiscal year 2008. Under this budget, we will see a $2 trillion increase in the debt of the United States by 2013. That is more than $6,000 in extra debt for each and every American citizen.

At $3.08 trillion, this budget resolution calls for $10,165 of spending for every man, woman, and child in America—all 300 million of us. But there are only about 130 million taxpayers who file an income tax return. Of those 130 million, only about 14 million had an average income liability of over $10,000 in 2005. Of these, about 11 million had gross incomes between $100,000 and $200,000. That leaves 3.5 million taxpayers—no more than 2 percent—with an income above $200,000. These wealthy few are paying an extraordinary 50.1 percent of all Federal tax revenues. But even if you taxed away half of their income, the additional revenue would not add up to enough to balance the budget and pay for programs in mandatory spending this budget resolution assumes over the long term.

The idea that money can be found in a mythical source of funding called the tax gap is unlikely as well. The chairman of the Budget Committee repeatedly has noted that the IRS estimate of the gross tax gap is close to $345 billion per year. However, the idea that anywhere near this amount of money can be raised by closing the tax gap is simply an illusion. It is nothing more than a figleaf meant to conceal the intent of spending beyond the means of the Federal Government.

The truth is, we are not really serious about this, and the proof is that we do not have a proposed penny more in this budget for the IRS than the President does in his budget. It would be difficult to drive the long-term history level of voluntary compliance from 85 percent, where it is now, to nearly 100 percent in order to tap into this mythical source of funding because that is what it would take to raise $345 billion per year. But it is hard to see how it can be done without a vast increase in the size of the IRS.

We also need to pass a budget that includes the necessary funding to help us stop our addiction to foreign oil.

In 2005, Congress enacted a comprehensive national energy plan—the first step toward energy independence. Nevertheless, this year has been a difficult year for Americans facing much higher energy costs. The policies we enacted in 2005 needed to be backed up with Federal funding in the budget, but this budget resolution fails to address important alternative-fuel technologies and other oil replacements.

One of our top priorities should be on our most abundant domestic fossil fuel: coal. New technologies will make burning coal both cheaper and more efficient. We are even developing coal-to-liquid technology that can create a synthetic transportation fuel from coal. American coal reserves will be our best tool to overcome our reliance on Middle Eastern oil.

I have three amendments I wish to propose to this budget resolution.

First, I wish to offer an amendment that will repeal the unfair tax Congress enacted in 1993. I have brought this issue before the Chamber before, so it should be familiar to many of my colleagues. In fact, the Senate adopted a very similar amendment by unanimous consent last year, and it passed by a recorded vote 2 years earlier.

When the Social Security Program was created, benefits were not taxed. In

1983, Congress decided that half the benefits of some seniors should be subject to taxation and in 1993 raised that amount to 85 percent of the Social Security benefits. Today, more than 15 million seniors are affected by that taxation of benefits. In 1993, the tax was intended to reach only wealthy seniors by the income levels which were set at $34,000 for a single and $44,000 per couple. This is hardly wealthy today.

My amendment is fairly simple. It drops the tax back to the pre-1993 levels, and it is paid for by an offset of $89 billion over 5 years by an adjustment in function 920. Over $300 billion in potential savings on Government programs over the next 5 years has been identified by the inspectors general report and the CBO options report. And it is my hope that the committees of jurisdiction will review wasteful Government spending to offset the repeal of this tax increase on America's seniors. It was unfair then when it was enacted, and we need to repeal it now. I urge my colleagues to support this amendment.

The second amendment I plan to offer, together with Senator BEN NELSON of Nebraska and Senator DEMINT, will make room in the budget to permanently extend the tax incentives for adoption that we enacted in 2001. This is a critical kitchen-table, family-budget issue for many middle-income families in Kentucky and across the country who are contemplating the adoption of a young child or facing costs of adoption. By helping to ease this financial burden, we can encourage the development of more stable families and provide a brighter future for thousands of children.

This important goal prompted us to act in 2001 when we passed these important adoption incentives in the form of tax credits. In 2005 alone, 85,000 families, 77 percent with an adjusted gross income of under $100,000, claimed $319.5 million in adoption credits.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired.

Mr. BUNNING. Mr. President, I would like to mention the last one, and I will be finished. I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, last year the Joint Committee on Taxation scored the cost of my bill, the Adoption Tax Relief Guarantee Act, at $4.5 billion over 10 years.

The last amendment I wish to discuss will require the budget resolution to balance the Federal budget without Social Security taxes. For too long, we have been relying on payroll taxes to pay for general Government spending. As we all know, 2017 is the year in which Social Security obligations begin to equal payroll tax contributions, but our problems are likely to emerge much sooner.

In 2011, payroll tax contributions to the Social Security trust fund will begin to decline. Each year, we are going to have a problem, and by the year 2044, we will be paying 72 percent of the assigned benefits right now on our Social Security unless we address the Social Security spending in our current general budget.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank, once again, the Senator from Kentucky for his courtesy.

At this point, I wish to offer a unanimous-consent request that we have worked on both sides that would be this: From 5:20 p.m. to 6:20 p.m. will be the time for the Joint Economic Committee; the first 5 minutes of that time—is that sufficient for the Senator?

Mr. WEBB. That will be sufficient.

Mr. CONRAD. The first 5 minutes will go to Senator WEBB, then come back to, for the next 30 minutes, Senator BROWNBACK, then come back to this side for the final 25 minutes of JEC time; then at 6:20 p.m., to go to Senator DORGAN from 6:20 p.m. to 6:35 p.m.; to Senator HATCH from 6:35 p.m. to 6:50 p.m.; to Senator CONRAD or his designee from 6:50 p.m. to 7 p.m.; to Senator COBURN or Senator GREGG's designee from 7 p.m. to 7:15 p.m.; and to Senator BROWN from 7:15 p.m. to 7:30 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Mr. President, reserving the right to object, and I will not object, I know we need to move everything back 10 minutes because we were supposed to start at 5:20 p.m. and we are already 10 minutes past that time. So if we move everything 10 minutes back—

Mr. CONRAD. The Senator makes a good point; if we can adjust all those times to 10 minutes later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, that means we now go to Senator WEBB for 5 minutes.

The PRESIDING OFFICER. The Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I appreciate the chairman allowing me to speak and also I appreciate the Senator from Kansas allowing me to speak briefly before he does.

I want to express my support for the provisions in this budget that go to the veterans programs. I want to deal with that in a minute.

First, I would like to point out to this body that this afternoon, ADM William Fallon, who is the commander of Central Command, resigned his position. We are not sure exactly how this is going to affect the administration's policies or Admiral Fallon's long-term willingness to express his views on administration policies, but I want to express my own regret that Admiral Fallon, who has served our country more than 40 years, has decided to resign his post in part, apparently, because of his concerns about some of the administration's policies.

I know a little something about resigning. I resigned my position when I was Secretary of the Navy when I was unable to support some dramatic reductions in the Navy shipbuilding program. Those are not easy decisions to make. I would also point out that this administration is not an administration that has tolerated dissent from our military leaders or, for that matter, is not an administration that has been very willing to seek advice from our military leaders, our senior military leaders, particularly when that advice is not in strict accordance with its own political views.

It should be pointed out that Admiral Fallon, who is the commander of Central Command, which is the overarching command that also includes Iraq, is now the third CENTCOM commander in recent history to have had at least some form of concerns about policies in that region.

Before we invaded Iraq, GEN Tony Zinni, Marine Corps general, former CENTCOM commander, spoke out strongly against invading Iraq, as did GEN Joe Hoare, former CENTCOM commander. So I think we need to see a greater willingness among our political process to listen to the views of people who have had long service and who have concerns about where this country is going.

There are too many people who have been involved at the top levels in the Pentagon who tend to believe that Iraq is something of an island, that you can separate what is going on in Iraq from other issues that are affecting the entire region. This is a region that is in chaos, all the way from Lebanon to Pakistan, as we well know. We need the advice, the contributions of global thinkers.

Admiral Fallon was one of them, Admiral Mullen is another, people who bring another sort of strategic perspective into this debate. I am profoundly concerned that Admiral Fallon has decided to take this measure, and I am hoping that we can hear from him in a more specific way in the future.

In fact, I would point out that I recently signed two letters on January 17, one to Chairman LEVIN of the Armed Services Committee and another to Senator BIDEN of the Foreign Relations Committee, both of which I sit on as a member, asking specifically that they invite Admiral Fallon, among others, to testify in consonance with General Petraeus's testimony coming up this year.

I was saying last September that it was an error, I believe, only to focus on what General Petraeus was saying in the stovepipe of Iraq rather than to hear these strategic thinkers talking about the region at large. So I hope we can do that in some greater detail in the near future.

Again, I want to express my profound appreciation for the service that Admiral Fallon has given our country.

With respect to the veterans provisions in this budget, we on this side have put more money into it. We have listened to the joint opinions of our major veterans groups. A big part of this is the GI bill, which I introduced my first day in office. We now have 49 cosponsors on this bill which will give those people who have been serving since 9/11 the same level of benefits as those who came back in World War II.

On the one hand, we hear so many people, particularly in this administration, talking about how these who have been serving since 9/11 are the next ''greatest generation,'' and on the other, this administration itself seems to oppose giving our veterans of this time period the same benefits we gave those who served during World War II—a GI bill that literally transformed notions of class and privilege in the United States.

I would remind my colleagues that for every dollar in tax remuneration that was paid on the World War II GI bill, we received $7 in tax benefits because of the way they were able to advance their careers.

I yield the floor.

Mr. CONRAD. Mr. President, we wish to amend the previous unanimous consent agreement to provide that Senator BROWNBACK finish his presentation on JEC by 6:05, from 6:05 to 6:30, that it be the JEC Democratic time; from 6:30 to 6:45, Senator HATCH be recognized; from 6:45 to 7:15, Senator COBURN be recognized; from 7:15 to 7:30, Senator BROWN be recognized; and that there also be an opportunity for Senator COBURN to continue after Senator BROWN, if he should desire; and that at the end of that time, both sides would yield back an additional 5 hours each off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Senator WEBB and I are involved in the Joint Economic Committee's time. Under the Budget rules, we get a certain amount of time to talk about the impact of the budget on the overall economy. That is what I intend to do.

I think it is also important to do this because, obviously, the budget does not happen in a vacuum, and the size of the Federal budget and its impact on the economy is so profound that I think we need to spend quite a bit of time, a lot more than just an hour's time, about what impact the Federal budget has on our overall economy.

The things we do, it is impacting the overall economy. I appreciate Senators Webb's comments about the military actions. We actually have held a Joint Economic Committee hearing on the impact of the war in Iraq, in Afghanistan, on our overall economy.

While I certainly dispute some of what the economists came forward with, I thought it was a useful thing for us to discuss. I think we ought also to look at that as not in a vacuum, given potential large impacts if the United States pulls out of Iraq and Afghanistan and pulls back from engagement on the global war on terrorism. It can have a huge impact on our economy, in many ways unmeasurable, and in a lot of ways difficult to predict.

But the impact is enormous. I think we have to look at this and say: We need to stay in this. We need to be able to get this done. That stability has a clear, positive impact on the environment. And a change toward a more stable environment in the Middle East and toward a democratic process in Iraq and Afghanistan over a lengthy period of time has a very positive impact on the global economy and ultimately on the U.S. economy. I do not think we can discount those features. While members of the Joint Economic Committee on the other side of the aisle prefer to look only at economic costs associated with wars, there are clearly benefits derived from National security, which they should not ignore.

I wanted to talk about now the budget proposal in a couple of ways. I would like to speak first about the impact of tax-and-spend proposals that are too much of a feature in the overall budget put forward by the Democratic majority in the Senate. I appreciate the work by those who constructed the budget. I recognize the difficulty of crafting a budget.

But I think there are some fundamental flaws that exist in the Democrat's budget that if not addressed, or if addressed in the way that the Democratic majority puts forward, are going to have fundamentally negative impacts near term and long term on the U.S. economy and on our opportunities and our hope for the future.

I think as a premise that we need to look at the United States as a place for a growth platform. We need to look at how we can grow the economic activity, increase the freedom for our people and the population overall, provide for everybody, and in that process grow and provide more opportunities for people here and for us in our future and future generations.

If we go the way the Democratic majority is putting forward in this budget, we are going to see increased taxes, we are going to see increased spending of a substantial nature. We are not going to deal with the entitlement crisis we are already in, and we are not going to be able to provide for opportunities in our future.

There are fundamental choices that people need to make and I will articulate these and I will go through them specifically. Our economy is currently experiencing a significant slowdown associated with the subprime mortgage meltdown, difficulties in financial markets, and certainly a slowing in our housing markets, which includes rising foreclosures.

With that backdrop, though, now would seem to be exactly the wrong time to be talking about tax increases. Just on a basic level, you would look at that and say: If you have a slowing economy, is that the time to raise taxes? And I think most people, if you ask them, they would say: No, that is the time you cut tax rates to try to stimulate economic growth.

Yet this Democratic budget provides just the opposite, a very large tax increase, raising taxes by $1.2 trillion, the largest tax hike ever. That is not something you want to do when the economy is slowing. It goes against economic fundamentals. But it also shows the fundamental impact of the Federal budget on the overall economy. This tax increase will be wide and deep, affecting nearly 116 million Americans, millions of American families, including seniors who will owe thousands of dollars more to pay for more and more Government.

And, yes, this budget projects to make the Federal Government even larger and more intrusive. Not satisfied in the Democrat's last budget with a $205 billion 5-year discretionary spending increase; this 2009 Democrat budget will increase spending by $210 billion over 5 years in this budget. Of course, this will lead to more and more debt that will pile up on top of more and more spending.

I think the second major shortcoming of the budget proposal put forward by the majority is the failure to confront the need for entitlement reform. Now this is something we have been talking about for some period of time. I stand ready, and I hope a lot of my colleagues do, to go at, on a joint, bipartisan basis, entitlement reform. We have talked about it a lot. I am going to show charts on this. But the entitlement plans are going to eat up the entire budget. We will go through the specifics, but it is clearly an unsustainable system that we are in right now.

Like in most problems, the earlier you deal with it the more options you have to deal with it. And the earlier you deal with it the more likely it will be that you successfully deal with it. And the earlier you deal with it the less pain there will be over a period of time, than if you deal with it later.

These problems with entitlement promises that are unsustainable are the same. If we can come together, on a bipartisan basis now, start an entitlement reform, A, the country would cheer that we would do it; B, we would have more options; C, it would be more successful; D, it would be less painful. That is the way we need to go at it in dealing with our entitlement reforms.

But in the Democrats' fiscal year 2009 budget, we see that they are again wishing to ignore this pressing problem associated with entitlement spending. So I wanted to take a look now at some of these problems and put a few charts up in front of people I think they are familiar with, but they remind us of the magnitude and the growing nearness of this problem of entitlement programs.

If you look at the red line on this first chart, you see that total primary spending is projected by the CBO, Congressional Budget Office, a nonpartisan office, to rise from its current level of 18 percent of GDP to more than 30 percent at the end of this chart, 2082, a long ways out there, but it shows you clearly where the trend line goes under the current entitlement programs.

Those are not adjustments to entitlement programs, those are current entitlement programs. Yes, Federal spending is projected to rise to over 30 percent of our Nation's GDP, under our current set of entitlement promises.

The second chart shows that the longer we wait to address the unsustainable nature of promises in our entitlement programs, which this Democratic budget totally ignores, the bigger will be the pain.

Now, here you can see reductions in spending that would be necessary to solve our entitlement crisis. For example, if we were to address our fiscal problems solely by cutting Federal spending starting this year, we would need an across-the-board spending cut of close to 7 percent. If we wait until 2020, we would have to cut spending across the board by 9 percent. To wait until 2040, you have to do it by 15 percent.

That is my point; that is, the sooner you start to work on these things the less pain you have to have in the process, and the more likely it is that you are going to be successful in getting this done. These are dramatic spending cuts. But what if we can get started now and on a bipartisan basis, just going on a slight level and give people time to prepare for adjustments that will surely have to be made?

You still get a much larger impact if you don't fix the unsustainable nature of our entitlement promises now, and instead wait longer. The longer we ignore the unsustainable nature of entitlement promises, the bigger will be the pain associated with bringing the Nation back to a sustainable fiscal course.

Now, this is a commonsense proposal. You would say: Of course, then, I should deal with that now. We are offering to do it on a bipartisan basis. The chairman of the Budget Committee from the majority claims that the task force he and Senator GREGG wish to form to study the entitlement programs is the only way to deal with the problems. I am a cosponsor. I would sponsor legislation to do this. But that in no way mitigates the need to get started as soon as we can to reform entitlements now. Why wait for a task force to form? I think we need to get started on this now.

To see how severe problems associated with the entitlement program promises are, consider the next chart which shows CBO's projection of health care spending. Now, here is the big one that eats us up. We know this. We have got fabulous things going in the health care field that probably are going to drive these costs up even more than this chart projects.

I want to see those things developed further as far as the technology and the ability. I was out at the National Institutes of Health this morning looking at some of the things they are working on at the National Institute of Mental Health, understanding the mind and how it works. Fantastic.

I want us to continue to fund that. That is going to probably drive this line up even higher. That may be the nature of where we are. We do not want to stop that funding. But then you see how dramatic and important it is to address this piece of it, the health care piece of it now, and to begin to address it at this point in time.

Net Federal spending on Medicare and Medicaid now accounts for about 4 percent of GDP. CBO projects, given current entitlement promises and not these major changes I am talking about, that spending will grow to almost 20 percent of GDP in the projected time period here of 2082. A long time now, still the trend line is known and knowable and we should use the ability to deal with it more now than putting that off until later on. So spending on Medicare and Medicaid alone, according to the projections on this chart, will use up the entire historic norms for tax collection and beyond.

But Medicare and Medicaid are not the only entitlement programs. The next chart shows Social Security spending as a share of GDP in the past and spending projections for the future. While spending for Social Security benefits has been between 4 and 4.5 percent of GDP for the past couple of decades, it is projected to rise significantly to 6 percent over the length of this chart's projection, not near the growth of entitlement programs, but still showing a significant 50 percent rise. If you add the 20 percent of GDP accounted for by Federal promises for Medicare and Medicaid, 6 percent for Social Security benefits, you see that the Federal Government has already promised over 25 percent of our total yearly output to entitlement spending. This only counts promised entitlement spending right now. As I mentioned previously, our historical norm for the amount of tax collection that our society gives and puts into the Federal Government is about 20 percent. If you get above that, people really start to yell. So we are already above that in the promises made in three entitlement programs. And that takes into account nothing for the military, for schools, for other social programs, for infrastructure, for unemployment, or for any discretionary spending.

The Democratic majority seems to want to focus on one route here, and that is tax and spend. The Democratic majority, unfortunately, has chosen in their budget to ignore our Nation's looming fiscal crisis that is sure to come from the unsustainable nature of entitlement programs. This fiscal year 2009 budget promises to impose the largest tax increase in the history of this Nation on American families and does this at precisely the wrong time, when the economy is struggling. This will be the largest tax hike ever, amounting to an additional $3,135 in taxes each year for every household, over $3,100 a year increase in household taxes at exactly the time when people are getting concerned about economic activity. Just when we did the stimulus, we raise taxes.

I want to take up the theme of the impact on our economy of this budget. That is the role of the Joint Economic Committee, and that is why they have been given a period of time to comment on this, because this has such a profound impact.

Now I want to talk about the impact of raising taxes at this point in time on the overall economy. I have talked about entitlement programs, the failure to address those, the long-term pain that is associated with that, and the additional pain by putting it off on a longer basis. Now what about the impact of raising taxes at this point in time on our economy and who is going to pay those increased taxes? The Democratic majority's budget will raise taxes on at least 116 million Americans. It is not just on the rich, unless there are 116 million people categorized as that in the United States. It will tax the hard-earned income and retirement benefits of millions of American families and seniors to pay for larger and larger government rather than reform. I think what people want to see is, you guys are going to operate within the amount that you have and reform the system. Reform what you have, don't tax and spend. Let's leave taxes where they are or make them lower so we can grow the economy more and then reform the system within rather than just adding and adding and adding.

The majority would have you believe that they will offer amendments to make the middle-class parts of the tax reductions permanent. They are not including any teeth in that budget amendment, and we will almost certainly not see legislation to accomplish that extension in this Congress. It is just empty promises. Democrats complain that the tax relief measures of 2001 and 2003 primarily benefitted the wealthy. Let's go through a couple of charts to look at that claim and see who is paying these tax increases or paying and receiving the tax relief of 2001 and 2003 and who would pay, if what the majority is putting forward is enacted, the tax increases.

As shown by the changes in the share of total Federal tax liability by income group on the chart, the percentage of all taxes paid by the top income group has increased since the tax relief measures were enacted, and the share of taxes paid by the bottom four income groups has declined. I think this tells a dramatic and different story than what we hear a lot of times in the rhetoric.

Where you look at the various income categories, the lowest 20-percent income category, next 20, next 20 up, and on up, and then we put a block here showing the top 1 percent income category. My point of showing this is on your bottom four income categories, the lowest 20 percent earners under the changes in Federal tax liabilities 2000 to 2005, this is the 2001 and 2003 tax cuts, the greatest beneficiaries under those tax cuts were the lowest income categories. The biggest beneficiary under those tax cuts was the bottom 20 percent. That is as it should be. The lowest income category should have the biggest impact, the most positive impact. You are seeing that in then the next lowest 20 percent, the bottom 40 percent here, then the 60, and then the 80 percent of lowest incomes.

Now you look at the top 20 percent earners, they pay an increase as a percentage of the Federal budget of taxes under these tax cuts in 2001 and 2003. And your top 1 percent is up 8.2 percent in terms of what they pay as their share of Federal taxes.

My point in saying this is, these tax cuts have worked as they should have. They have cut the overall tax rate for individuals, and particularly for lower income individuals. They have stimulated the economy, and they have shifted the tax burden to the higher end of the income distribution. When you say tax cuts for the rich, your really should be talking about tax cuts for most Americans and the percentage they pay. This is as it should be. This is how it was designed. So when people say we have done these tax cuts for the rich, we are not going to extend them, does this chart show tax cuts for the rich? I think it shows tax cuts primarily benefitting the lower 80 percent of wage earners and having a burden shifting to the top 20 percent of income earners. That is the design it should have. It has grown the economy overall. It has been the way we should go.

Yes, despite the tax relief measures that many tout as tax cuts for the wealthy, the share of taxes paid by the top 10 percent of income earners rose more quickly than during previous periods, including periods with higher top marginal tax rates. According to the most recent data, the share of all Federal income taxes paid by the top 10 percent has reached an all-time high of 73 percent. Let me say that again. According to the most recent data, the share of all Federal income taxes paid by the top 10 percent has reached an all-time high of 73 percent. You can see the trend line of what is taking place from 1979; the top 10 percent of income earners, 1979, the percentage of income taxes paid was below 50 percent. In 2000, 68 percent; now it is all the way up to 73 percent, as it should be.

Democrats talk about raising taxes on the wealthy, but fail to mention that not extending the tax relief measures of 2001 and 2003 will result in huge tax increases for all Americans, as this chart displaying average percent increases in taxes by income levels shows. I wanted to show you this one. Low- and middle-income families will be the hardest hit by the scheduled tax increases that will occur in 2011. These families benefitted the most from a reduction in the bottom tax rate, from the child tax credit and marriage penalty relief contained in the 2001, 2003 tax relief measures. If the tax relief measures of 2001 and 2003 are not made permanent, families with $50,000 in income will see their tax bills rise by 261 percent in 2011.

On the other hand, families with $500,000 or more in income will experience a 12- to 13-percent rise in their taxes. Is that what you want for a structure of tax increases, putting the largest hikes on the lowest earning families and the smallest hikes on the upper earners? I don't think that is the way you want to structure tax increases. I don't think that is the way the American public would want to see that structured. I don't think the American people would want to see any tax increases. The average household will pay an additional $1,833 under the Democrat's plan. Many will have their taxes rise by even more. Seniors, families with children will pay an additional $2,000 or more. Married couples will pay an additional $3,000. Small business owners will have their tax bills rise by more than $4,000.

Another shortcoming in this budget is the failure to adequately address the growing burden that the AMT will place on many middle-income families. Although the AMT was enacted initially to prevent millionaires from avoiding taxes altogether, it will soon ironically affect a greater percentage of middle-income married couples with children than millionaires. Let me show this chart, the ones it is going to impact.

This says, middle-income married couples with kids will be more likely than millionaires to pay the AMT in 2010. Here is your married couples with kids, AGI of $75,000 to $100,000, 89 percent will be in the AMT; millionaires, 39 percent will be in the AMT. The AMT needs to go. I think we should go and offer an optional flat tax for the overall Tax Code and do away with the AMT altogether. You can see its disproportionate negative impact on families, not hitting its target and having an overall very negative impact on the economy.

Given the time I have left, I want to talk about a proposal we are going to put up in this budget and it is a bill on the CARFA commission, the Committee on Accountability and Review of Federal Agencies. It is something we have talked about before and we have had it up as a proposal in the Congress. I have had it up as a proposal and I have had a number of cosponsors. On the current CARFA bill, we have 24 cosponsors. I hope it will be a bill that my colleagues in the majority will look at and support. It is built on the BRAC Commission. I would note that the BRAC Commission provided for a process to close military bases. Before we had BRAC, it was impossible to close a military base. Any time you wanted to close one, the people in that district, that State would fight you. You would never get any of them closed. We put together this BRAC process. They came up with a list of bases to close, and then they presented it to Congress. Congress got one vote up or down, close all of them, keep all of them, deal, no deal. Through that system, we have now saved the Federal taxpayer over $65 billion from that process of closing military bases and consolidating them in a few areas, working toward greater efficiencies. It has been very successful.

What we need to do now as a part of the Federal budget is take that to the rest of the Government so we can close Federal programs that are no longer working.

I want to show you this report card of how successful is the Federal Government. This is the Federal Government report card, and this is done as a scoring by Federal agencies, where they score the effectiveness of various programs for hitting their intended target when they were started and for the budget they have been given. I want to note that if you gave a GPA to the Federal Government on accomplishments that it does with the money it has been given, the overall grade point average that the Federal Government gets is a 1.14 out of a 4.0 GPA. Now, that is not very good.

What happens—everybody knows this is what takes place—we get a program started, it gets funded, and it is never ended. It may be completely successful and all is accomplished, but the program continues because we do not do any sort of culling process at all. Then we want to do something new, but wait a minute, we did not do away with the old.

The BRAC process we are talking about putting on the rest of Government—this CARFA Commission—would put that process on the rest of Government and I think dramatically improve this GPA because now you start getting rid of programs that are no longer effective, just like when we had military bases that were in places that were there because of maybe the Spanish American War or the early wars in this country—completely out of position, no longer necessary but sustained because they had supporters in the system, even though they were not being effective.

Well, imagine if you take that system of protection and nonculling and apply it to the rest of Government. How many programs do we have that we have created over the 200-plus-year history of the country, and we have never done away with any of them? We have not even adequately evaluated their effectiveness. You can see why we would be able to improve the government's GPA score and be able to have more money to put in higher priority

areas, such as the National Institutes of Health, where I would like to do a war on cancer; or the things we need to do for infrastructure in the country. Yet we have never been able to eliminate any spending.

Here is a systems approach, under my proposal, that has worked in another area, that has been key, that has produced $65 billion in savings, that we need to take to the rest of Government.

So one of the amendments I will be putting forward is asking for the establishment of this CARFA Commission—Commission on Budgetary Accountability and Review of Federal Agencies—that will provide a list—a group on an annual basis—of programs that should be eliminated and give Congress then one vote, up or down: agree or disagree whether to eliminate this whole group or to keep the whole group.

I think that is something we need to do overall. It ought to be something we can come together on, on both sides of the aisle. I would note that in traveling across this country and talking with people, one of the big things the American public wants to see us do is get together and get something done on something that is significant to them.

One of those things is that we would be much more responsible to the Federal taxpayers as to what we are spending their money on. If we can become more responsible on that and work across the aisle and they could see Federal programs that are being eliminated because they are no longer effective or they are wasteful—and then they would actually see that taking place—I think people would then trust us more with taxpayer dollars rather than not trusting us with taxpayer dollars. If we can show them that, they would see us doing it on a bipartisan basis.

This is something for which the outcome is certainly not stacked. This is something that both sides could support as a process because we have in the past. We could finally see something starting to take place in eliminating waste, fraud, and abuse in the Federal Government. Everybody is opposed to waste, fraud, and abuse in this body—everybody. Yet it continues because the system is built to spend, it is not built to save, it is not built to reduce. We have a system that is built to save and reduce, and it is called that BRAC system in the context of military bases. Then that saved money is put into higher priority needs. Let's take that system out to the broader body of government.

This is the short period of time given to the Joint Economic Committee to talk about the impact of the overall budget on the U.S. economy. The impact of this budget that the majority is putting forward is profound and it is negative on the overall U.S. economy. I urge my colleagues to vote against it because of that.

It fails to address any sort of entitlement reform. It increases taxes at exactly the wrong time. You do not need to increase taxes, I think, at any time because of the scale of taxes. But when you have a slowing economy, it is the absolute wrong time to raise taxes. The Democrat's budget also does not deal with reform of the AMT, the alternative minimum tax, which it should. It raises taxes on lower income individuals in this society and in our economy, not on upper income individuals. Again, it does have tax increase at exactly the wrong time. And it does not include things such as fundamental spending reform through a CARFA type of process we used in the military base BRAC system before.

Because of these failures of big-ticket, overarching items, this is the wrong budget at the wrong time that will have a negative impact on our overall economy. It will have a profoundly negative impact on our overall economy. It is not the right medicine of what we need to move forward. For us to grow this economy at this point in time, we need lower taxes, not higher taxes. For us to grow this economy and provide for our future, we need entitlement reform now. We also need to be able to get at our wasteful spending in the Government. We need to adjust our systems to be able to do that. Those are reforms that if we did them now—and did them at this point in time—we could have a much brighter and sustained future. This budget does not provide for those. For those reasons, I will be opposing this budget.

Mr. President, I yield the floor and reserve any time I have on the Republican side for the JEC.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes within the time allocated for the Joint Economic Committee on the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. Mr. President, thank you very much.

I wish to, first of all, start my presentation today with an overarching commendation of the work of the Budget Committee and, in particular, Chairman KENT CONRAD, who worked, as he always does, along with the members of his committee from both parties who have worked very hard on this budget.

We are going to have a significant debate this week and we are doing that now and it will be fairly heated because we have broad disagreements about this budget. But I do wish to commend Chairman CONRAD and his work over many months, as he does every year, in his committee.

I wish to focus on three areas: First of all, our fiscal situation that we face now because of what has been happening in the last several years with our Federal budget; secondly, to talk about our families and the struggles so many families are living through right now; and then, finally, to summarize very briefly some of the Democratic proposals and how they compare to the President's budget.

But I wish to start first with our fiscal situation. And I wish to thank Nathan Steinwald, who is with us, who is not only helping with getting the right chart up but also has done a lot of work on our staff to prepare us for these budget debates.

The first chart sets forth the deficit as it has taken hold over time. It starts on the far left corner, with that green bar, which starts at the year 2001, the first year of President Bush's administration. That is his first year. There was $128 billion in surplus in his first year. I would argue that is a surplus that was left over from the prior administration.

But then you go into the 6 years after that, where we have data set forth and depicted on this chart showing the deficits since President Bush has been in office from 2002 to 2007—$158 billion in deficit; $378 billion in deficit; the largest deficit, $413 billion, in 2004; it reduced somewhat to $318 billion in 2005. It had been reduced and went down to $162 billion last year. But then here is where we begin to get into trouble again. The projected deficit, as it is set forth in President Bush's budget: $410 billion is a projection for 2008; for 2009, it is $407 billion.

So we go from a surplus, when he came into office, far into deficit. Just when you think we are crawling out of it, because of his proposal—if we enacted his budget—we are going to go back into almost record deficit. You can see they are almost at the record level of $413 billion. So that is a big problem. That chart alone is evidence to tell us we should not adopt President Bush's budget.

So let's go to the next chart, which focuses not on deficit but on debt. Unfortunately, this chart tells us even more. This is bad news. I will try to get to good news as soon as I can, but I think it is important to set forth where we have been, where we are, and where we are going. This is the debt of the United States: $5.8 trillion—that is what the T means—in 2001, the first year of President Bush's administration. As if it were ascending steps to an unknown height, step after step after step going up, the debt number is increasing year after year after year.

So we keep borrowing under this administration ad nauseam, borrowing against our children's future. It is not just about some far off debt that this Government has put on our children—that is bad enough; that is reason enough to try to bring that number down—but we are paying for this every year, hundreds of billions of dollars in debt service right now. In 2007, we had that, and in years before that—2008, 2009. So we are paying for it now to the tune of hundreds of billions of dollars.

Here is where we will be in 2009: a debt number of $10.4 trillion. At some

point in that year, we will achieve a debt number of $10.4 trillion. The President, even though he will technically be out of office in January of 2009, bears responsibility, a large part, if not all the responsibility, for that number: $10.4 trillion. In essence, this President has become the ''10 Trillion Dollar Man,'' the ''10 Trillion Dollar President''—not something that anyone would want as part of their legacy.

It is important to note that $5.8 trillion—that was the level we were at when he came into office—that number was actually starting to go down in the last couple of years of the prior administration. So instead of staying on that path and having a flat line—so to speak, holding it under control—this President, with a lot of help from the Republican Congresses, by the way, sent that number through the roof.

As you can see, the final number—the most disturbing number, if we stay on the path we are on and do not adopt the policies that will lead us to get us on the path of fiscal responsibility—in 2013, the debt will be $13.3 trillion. Again, we are going to pay for that every year.

We spent last year, in terms of debt service, more money than all of the Medicaid Program, which is over $200 billion in and of itself, and all of the State Children's Health Insurance Program. And you can add more to that. But consider that: We spend more on debt service than we do on both of those programs that help poor children, Americans who are suffering from a disability, children of working families who have health care. All of that health care, all the good things that happen in those programs do not equal what we are paying in debt service to finance his debt.

So we are in a debt mess here. It is a fiscal nightmare. I will go to the next chart, which shows what we owe the foreign governments.

A portion of that almost $10 trillion in debt, of course, is foreign debt, debt to foreign countries. The top 10 foreign holders of our national debt: In first place, Japan. We owe the Japanese Government $581 billion. We owe China $478 billion. It goes down from there; the UK; the ''oil exporters,'' we owe them $138 billion. It goes down from there.

That is another piece of bad news. This is not some far off debt number. Some of them are allies; some of them are not. Some of them we have some real disputes with. We owe them hundreds of billions of dollars.

I will go to the next chart where we have been hearing a lot the last couple days about the tax cuts. Well, let's look at how much they have cost us and what they will cost us. The cost of extending the Bush tax cuts explodes outside the 5-year budget window. So when you are talking about here that we are debating the budget for 2009—talk about 2009, look at the way that number goes up starting in 2010: the 10-year cost of $2.9 trillion for the Bush tax cuts if we stay on this path from 2009 to 2018. So if you want to adopt the Bush tax cut, that is what you have to pay for. That is what you have to pay for in that 10-year window. To say it is unaffordable, to say it is fiscally reckless is a gross understatement, but I think we can see from all of the red why that is the case.

So what do we do when we debate this budget? We can talk a lot about the fiscal situation, but I think it is probably even more important to talk about what has been happening in our country with regard to our families.

It seems that in the life of a family, in terms of costs, everything that a family hopes would be going down is going up. A family would hope, I guess, that health care costs would be leveling off or going down. They have actually gone way up. We would hope the cost of a college education has flatlined or is staying at a certain level or going down. The cost of a college education is going up. Everyone knows the price of gasoline is going through the roof, is going up over and over again, month after month. The price of oil—I don't know what it did today, but we were over $105 a barrel; the subprime crisis we are living through and the cost of housing, the value of the house in terms of that family's value, their economic value on paper but also the value to our economy. So this housing crisis, caused in large measure by mortgage brokers and others who were unregulated and really took people over a cliff, so to speak, with regard to their housing costs, has caused tremendous pressure, first of all, on individual families but, of course, on our neighborhoods. Whenever we have a property foreclosed upon, a neighborhood disintegrates time after time. But at the same time, the costs of everything in the life of that family is going up, whether it is housing or gasoline or education or health care.

The things a family hopes would be going up are things like consumer confidence. That is going down. The value of one's home, one would hope it would be increasing, but that has been going down. All of these up and down problems for families are real-life crises for so many families across America. What they expect us to do with this budget is everything we can to help dig them out of the economic crisis they face.

So what should we do? Well, we can do a lot. We can, first of all, be fiscally responsible but also have budget policies and strategies in place that focus on creating not just jobs, not just any jobs, but good-paying, family-sustaining jobs. That means in particular budget proposals on how we fund an agency, what we cut and what we don't, what we increase and what we don't, but also it means trying to set aside places in the budget where we can make investments over time. These aren't things that will happen right away, these aren't things that can happen quickly, but these are priorities.

For example, education—I think our budget should reflect that we place a value upon and we are actually going to invest in education, just as a good CEO would invest in workers. First of all, this budget resolution invests in education strategies that create jobs and growth, preparing our workforce for the global economy, making college affordable, improving student achievement. You can see what it does there: education tax cuts up to $13 billion, $5.7 billion over the President's budget in discretionary funding for the Department of Education and Head Start. Thirdly, an education reserve fund for school construction and higher education authorization.

The second chart talks about the way we can grow our economy and create high-paying, good jobs by investing in energy. The old way of thinking about this was that if you had to conserve energy or be more efficient, that was going to cost jobs. Now we know that when we are not in conflict, one of the best ways to create jobs is to invest in green-collar jobs and in green energy.

I will go to the last chart in terms of our infrastructure, just to get this in before we conclude.

Our infrastructure, everyone knows—we knew this before, but certainly when we saw the bridge collapse in Minnesota—that we have to invest in basic infrastructure. This budget resolution sets aside room in the budget to do just that: to invest in our infrastructure, whether it is highways or mass transit, whether it is airports or what we call ready-to-go infrastructure projects. Sometimes, when a company wants to locate in a community, they don't have time for a lot of debate. They need to get moving very quickly. We need projects and land set aside to do that.

I will conclude with one final chart because I know the chairman of the Joint Economic Committee, Senator SCHUMER, is with us, and he is probably coming up next, and I want to make sure he has all the time he needs because he has been a great leader on these budget issues.

The final chart I will put up: We hear a lot about Democratic spending, spending, spending from the Republican side. The differential between what the President proposed—$3.04 trillion—in this 2009 budget and what we are proposing is $3.8 trillion. That is a 1-percent difference. So when we hear debate and arguments back and forth that Democrats are spending too much—more than the President—the difference is 1 percent.

I have a lot more to get into, but I am going to conclude with this thought: We have to invest in good-paying jobs, family-sustaining jobs, and we also have to get our fiscal house in order. Unfortunately, I think the President's budget does not do that. The Democratic budget will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, may I make an inquiry of the Chair? How much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. SCHUMER. I ask unanimous consent for an additional 5 minutes. Is that in order?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, first, I wish to thank my colleague from Pennsylvania before he leaves the floor. He is a great member of the committee, a great Senator, and always has his eye on the average family. One of the reasons he has been so effective on the Joint Economic Committee is he understands all the concepts, of course, but then he is able to take them and relate them directly to the needs of average families. I thank him for the good job he did this afternoon, which is typical of the good job he always does on the JEC and elsewhere. I also thank my colleague, Senator WEBB, who also took some time to speak on these issues.

Now I will conclude our Humphrey Hawkins budget debate.

Today, we are looking at an economy on the verge of recession. Many economists would say it is already in recession. The economic hits to middle-class American families just keep on coming and coming.

Before I talk about our Democratic budget package, which is far superior to the President's budget, I would like to use this Humphrey Hawkins debate time as chair of the Joint Economic Committee to talk a little bit about the economy.

In the last week alone, we have learned that we are experiencing record home foreclosures in the prime and subprime mortgage markets from coast to coast. Every single State has been affected by an increase in foreclosures. According to an analysis by the Joint Economic Committee, home prices in every major market are falling. Families have historically low equity in their homes.

Moody's Economy.com estimates that 8.8 million homeowners—that is 10 percent of all homeowners—will owe more money than their homes are worth. Think of that: 10 percent of all homeowners—not homes in foreclosure, not homes in trouble, but 10 percent of all homeowners will owe more money than their homes are worth.

Just this past Friday, the Labor Department reported back-to-back months of losses in jobs, with serious losses this past month in manufacturing, construction, and retail. Today, the Commerce Department released data showing rising trade deficits with China and oil-producing nations such as Venezuela and Saudi Arabia. Americans are paying a record average $3.22 per gallon of gasoline today, and if that wasn't enough, oil is selling for over $110 a barrel. Let me repeat that. Oil is selling for over $110 per barrel. That is an alltime record.

As we put forward a more sensible budget plan for our country this year, we have to recognize that the pressure on families has been made worse since President Bush took over. Over the last 7 years, Americans have been squeezed by skyrocketing energy, health care, and education costs. Energy costs have ballooned 64 percent during Bush's tenure. A gallon of regular-grade gasoline has increased 60 percent in real terms, up from $1.62 in January 2001. To put this in perspective, the average middle-class family is paying more just in higher gasoline prices than they received in the Bush tax cuts. Again, let me repeat that. The average American family is paying more just in higher gasoline prices than they received in the President's tax cut. That is appalling.

There are 7.2 million more people uninsured since the President took office, and average health insurance for families who do have it increased nearly 40 percent since 2000. Inflation-adjusted tuition for 4-year public colleges increased 36 percent, to $5,526 per year between 1999 and 2005. In February of 2008, 4.9 million people were working part time for economic reasons but wanted to work full time, and the underemployment rate is almost 9 percent—9 percent—up 1.6 percent since 2000. Now there are 1.4 million fewer people with jobs since the President took office—1.4 million unemployed.

The bottom line is that this administration is the owner of the worst jobs record since Herbert Hoover, and the last 2 months of losing nearly 90,000 jobs secures the President's unfortunate place in history, as this chart shows. Here is Herbert Hoover. Everyone did better than George Bush since Herbert Hoover.

The significant job losses in manufacturing and construction have continued since the housing market has been in trouble and doesn't seem to be getting better. The job losses in the retail sector are particularly troubling because it indicates that consumer spending, which has driven this economy, has also declined measurably.

The President's ''hear no evil, see no evil, do no evil'' policies on our economy simply don't work. It is only a matter of time before consecutive months of job losses, falling home prices, rising energy prices, and cutbacks in consumer spending lead us into a full-blown recession. It is crystal clear to everyone except the people in the White House that we are inevitably heading toward a recession.

It isn't a surprise to many in Congress that we are on the brink of recession—or are already in one—although the administration has done an excellent job of hiding its head in the sand, because their strategy has produced burgeoning budget deficits, a serious global trade imbalance, and brought us to the brink of recession. That is because their only economic strategy for everything is to cut taxes—help their wealthy friends and no help for the rest of America.

The unmistakable economic downturn began early last year as the subprime mortgage mess unfolded. The spillover effects into the broader housing market, the credit market, and overall economy are tremendous and ongoing.

According to the JEC's conservative estimates, by 2009 at least 1.3 million foreclosures will occur as the riskiest subprime mortgages reset over the course of this year and next. This will lead to the destruction of approximately $100 billion in housing wealth, including an estimated $71 billion in direct losses on foreclosed properties and a decline in the value of neighboring properties by an additional $32 billion.

Overall housing prices continue to fall, as seen in the almost 10 percent decline of the S&P/Case-Shiller national home price index since the first quarter of 2006.

Last week, the Federal Reserve released data showing that American families hold less equity in their houses than at any time since the Fed began tracking this data in 1945. Under the Bush administration, the primary source of wealth for most Americans—the equity in their houses—dropped by nearly 10 percentage points, from a 57.8 percent equity stake when Bush took office to a current low of 47.9 percent.

Given that housing wealth totaled about $23 trillion in 2006, the decline in household balance sheets is now between $1 and $2 trillion. Declines in house prices are likely to have significant negative effects on consumer spending and a host of other deleterious effects on the economy. But housing is the bull's-eye of this crisis. It has spread outward and outward and outward. Again, the administration, wrapped in ideological handcuffs, does nothing.

We are also borrowing to pay for this war in Iraq. The economic cost for the Iraq war is truly staggering. According to professor Joe Stiglitz, a Nobel Laureate who testified at our Joint Economic Committee last month, the war could cost $3 trillion—that is with a T—$3 trillion. According to a report our committee did in November—we have been pursuing this issue of the cost of the war—the war will cost each American household $37,000.

The Federal Government is increasingly reliant on the rest of the world to buy our public debt, and with falling dollars and skyrocketing debt, who knows how much longer we can count on the largesse of our trading partners.

President Bush turned huge budget surpluses into huge deficits in a few short years, as we see here. In January 2001, the CBO projected surpluses would total $5.6 trillion in 2002 to 2011. In 2001, CBO's projection was a surplus of $573 billion in 2007. In reality, the deficit was $163 billion, a turnaround of $736 billion, and more than $100 billion for every year that the President has been in office. This remarkable, dramatic turnaround in the budget picture shows a reckless disregard by this administration for living within our means and

has, frankly, jeopardized the economic future of families across the country.

The President may have passed some big tax cuts for the people who need it least, the very well off. But he has not been very compassionate to future generations who will be paying for the increased debt for generations. I compliment the Senator from North Dakota for the amazing budget he put together. It is the best budget document I have ever seen since I have been in the Senate.

The Democratic budget provides some measure of sanity and order to our budget priorities and, hopefully, will put our country back on more solid economic footing. Senator CONRAD did an amazing job in crafting a budget resolution that gets us started on the road to recovery from these misguided policies.

One of the most important things about Senator CONRAD's budget is that by restraining spending and making the right choices on long-term tax cuts, it provides room for important middle tax cuts to ease the middle-class squeeze, such as the tax cuts provided in Senator BAUCUS's amendment. These tax cuts are not a fix for what ails our economy in the long term, but they will indeed help middle-class families make ends meet.

Senator BAUCUS's amendment is broad-based tax relief targeted to the middle class, plain and simple. Everybody benefits, but the middle class gets most of the spoils. That is the way we ought to provide tax relief in this country—not providing more and more tax breaks to the top one-tenth of 1 percent, whose incomes have shot up into the stratosphere. Tax cuts for those who need them, not for those who would not notice them. That is our watchword, while the other side continues to believe in trickle down, but not even trickle down from the middle class to the poor but from those higher regions of wealth.

If we look at the tax cuts that passed in 2001, we know which ones should be made permanent and which ones should not. The $1,000-per-child tax credit, marriage penalty relief, and the 10-percent bracket are all sensible tax cuts that can be made permanent with the surpluses provided for in the Conrad budget.

The Baucus amendment does some other sensible things as well. Across the country, parents are struggling to manage the crunch of work and family. According to a report issued by the Joint Economic Committee, full-time childcare costs average about $7,300 per year in the United States. That is almost 20 percent of the median income of families with young children. The Baucus amendment will permanently extend the tax credit for childcare expenses to provide essential benefits to working families.

Senator BAUCUS's amendment also includes provisions to offset the impact of rising local property taxes. I hear about that from my constituents every week. The amendment will make permanent the important military tax benefits passed both by the House and the Senate last December. These benefits are particularly targeted toward service men and women and their families. Given the multiple rotations many of them have endured, these tax provisions are supported by all, and they are the least we can do.

I know what the other side will say: ''Democrats are for tax increases.'' My friends, telling people who are making a million dollars a year or more that they should continue to get a tax cut is what is wrong, not saying they should begin to pay their fair share. I have news for my colleagues on the other side of the aisle. Their old arguments are not going to work because the middle class has seen promise after promise from this administration, and then they have seen the vast majority of the tax cuts go to the very top of the income scale.

I will repeat it again: The average middle-class person has paid more of an increase in gasoline than their entire Bush tax cut, while this administration twiddles its thumbs about the energy crisis and continues to tell those at the top of the economic ladder that they get the vast majority of the benefits, even though they don't need it.

So I hope we will support the Conrad budget. It is a good, fine, and well-thought-out one. I hope we will support the Baucus tax cuts, which are targeted at the middle class. I hope we will support a budget such as the one proposed on our side, which is smart and helps the middle class.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Mr. President, how much time does the Senator from Utah have?

Mr. HATCH. Mr. President, I have 15 minutes, and I have asked for an additional 5.

Mr. COBURN. According to the agreement we had, that would put us until 7:25 when Senator BROWN would be eligible to speak; is that right?

The PRESIDING OFFICER. The Senator from Oklahoma would start at 6:55 and have until 7:25.

Mr. COBURN. I thank the chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise to express my opposition to and disappointment with the fiscal year 2009 budget resolution before us today.

Interestingly enough, I listened to the Senator from New York talk about how the rich are getting away with things. Well, the upper 1 percent of all taxpayers paid 39 percent of all income taxes the last time I heard. The upper 5 percent paid 60 percent of the total income tax in this country. The upper 50 percent pay 97 percent of all the total income tax in this country. The bottom 50 percent generally pay almost nothing, and a good percentage of them get money from the Federal Government. So what is he talking about?

I think it was Yogi Berra who once said, ''This is like deja vu all over again.'' I am sure he was not talking about the Federal budget when he uttered these oft-quoted words, but he might as well have been. As I look at the budget resolution before us today, and as I listen to the arguments on both sides of the aisle, it seems to me that we could be talking about last year's budget resolution. The numbers are somewhat larger, but the arguments are about the same.

Now this might not be so bad if the budget resolution were a good one. No, you would not hear me complaining about a repeat of a budget that strengthened our economy, addressed our near-term problems, and prepared this country for the longer-term budget challenges of the future. Unfortunately, this is not the case. In fact, quite the opposite is true.

Once we were through with that resolution last year, it didn't even resemble what the budget resolution was calling for. In fact, I have been here for 31 years, and not one day has the conservative point of view been dominant in the Senate. The liberal point of view, with almost all liberal Democrats and a few liberal Republicans, has held sway. That is where all the spending is coming from.

Instead, we are, once again, talking about a budget that raises taxes by an unprecedented amount, which will do untold harm to our economy, exacerbates our near-term problems by not holding spending in check, and totally ignores the longer-term mandatory program challenges of the future.

Much has already been said on this floor about the budget resolution and its failings. I could add a great deal more, but instead I choose to focus my remarks on three premises on which this budget is based. Three premises that, unfortunately, are false. And every child in Sunday school knows that false premises are like the house whose foundation is built upon sand. We all know that a house built upon sand, or a budget built upon false premises, cannot stand.

The first faulty premise underlying this budget resolution is that it would not raise taxes on Americans. I know that my colleagues on the other side of the aisle have said and will continue to say that this budget does not raise one cent in taxes. Technically speaking, this is true. However, while the document before us may contain no actual tax increase language, it does nothing to prevent the largest tax increase ever, which is set to occur at the end of 2010 if the 2001 and 2003 tax cuts are allowed to expire as scheduled.

The American people need to ask a simple question of this budget. What is

it doing to make sure that my tax bill does not go up in 2010?

They will be met with deafening silence.

Now, those on the other side will try and explain this deficiency away. They will argue that allowing a tax cut to expire is not the same thing as raising taxes. Well, try telling that to the 116 million American taxpayers who will face higher taxes if these tax cuts are allowed to expire. Try explaining this nuance to the 43 million American families who, on average, will owe $2,300 more, and to the 18 million seniors who will pay an average of $2,200 more.

This is not small potatoes. Families that do not consider themselves rich, that struggle to make ends meet, and that are doing all they can to make the mortgage and save for college, are going to get hit with massive tax bills. They are going to see their paychecks shrink by hundreds of dollars every pay period. This is real money. Money that families could use to pay medical bills or pay tuition, and instead it is going to go to the Federal Government.

It will not be much fun trying to explain this to the owners and managers of 27 million American small businesses. Try telling them that their higher tax bill is not really a tax increase. No, not at all. It is merely the reversal of a temporary lower tax rate they should have been grateful to have gotten for a decade, due to the generosity of Uncle Sam, who no longer deems it necessary to throw such favors their way.

Good luck selling that one.

I will tell you one thing—I do not want to tell the hundreds of thousands of Utah families, seniors, and small business owners that the extra dollars we were letting them keep for a few years are now needed for more urgent things, such as higher spending in Washington.

So if this is not a tax increase, I do not know what is. The other side can call it what it wants. But if the end result is more money coming to Washington, and less money staying in the paycheck, the family budget, or the small business expansion account, this is a T-A-X, Tax!

We have heard the other side talk about how they are for extending the middle-class elements of the 2001 and 2003 tax cuts. We have even heard them say that the budget resolution provides for this, through the adoption of an amendment offered by the Senator from Montana. $323 billion for middle-class tax relief. Does any of this sound familiar? It should, because the same amendment was offered, and adopted, in last year's budget resolution.

I have a question about that tax relief. Where is it? What happened? Last year's Baucus amendment offered pretty much the same kind of tax relief as this year's version. But, why did we need to adopt it again? The answer, of course, is that nothing happened because the tax changes necessary to carry out the stated intent of this amendment were never brought up in the Finance Committee or on the floor of this Senate. This is a shell game.

The reason why is that you have to look at the fine print on this amendment to see what is really going on. The Baucus amendment allows only for the consideration of so-called middle-class tax relief. It does not, however, provide a means to offset the lost revenue. Under the Democratic pay-go rules, along with the $323 billion of tax relief that the Baucus amendment purports to offer, there is an asterisk with fine print that says, provided that the revenue can be found to offset it. My goodness.

So this explains why we need the Baucus amendment again. The reason we did not provide that middle-class tax relief is that we could not find the revenue to offset it. But what about what my friend and colleague, the distinguished chairman of the Budget Committee, says? He points to the tax gap and says we can get the money there. All we have to do is stop some of the leakage in our tax system.

I agree with my colleague from North Dakota. I agree that we should be able to reduce the tax gap. It is too large and it is inexcusable why $200 to $300 billion or more in taxes that are due go uncollected each year. But you know what? Our tax system, as leaky and clumsy and unfair and antiquated as it is, is the envy of much of the world as far as the percentage due that we collect.

Can we do better? Of course. Do we need to crack down on tax abuse domestically and overseas? Indeed we do. Can we raise enough money by closing the tax gap to offset the revenue loss of the amendment of the Senator from Montana? Not even close. As Senator GRASSLEY very eloquently demonstrated on this floor on Monday, the real potential for revenue from the tax gap is very, very small in comparison to what the other side is claiming. If not, then where are the specific proposals from the other side to do it? Why haven't they been enacted, if it is so easy to get this revenue?

The tax increases inherent in this budget resolution will do untold damage to our economy. Even if the other side can find the votes to increase taxes enough to overcome the pay-go problem associated with some of the middle-class tax relief proposed by the Senator from Montana, we would still be doing major harm to the economy.

We can perhaps look to the model provided for us by the chairman of the Ways and Means Committee in his so-called Mother Tax bill. It is so named because my good friend Chairman RANGEL said it represents the Mother of All Tax Reforms. His ranking member, Congressman MCCRERY, more aptly describes it as the Mother of All Tax Hikes.

I can tell you right now, as much as I hate to say this about my friend CHARLIE RANGEL, Congressman MCCRERY is right. This ''mother'' bill includes plenty of tax offsets. It would increase the income tax rates across the board to where they were in 2001, with the top rate exceeding 40 percent at the margin. This may sound as if it would affect only the wealthy, but this is another false premise. In reality, it would affect millions and millions of small and midsized businesses, the great majority of which pay their taxes through the individual Tax Code.

How is this going to help us solve the economic problems our Nation is facing? This budget is nothing but a recipe for disaster.

The second faulty premise underlying this budget resolution is that the increase in spending it authorizes will solve our long-term economic problems. Yes, I think we have heard this before as well. Yes, it was last year in the fiscal year 2008 budget debate. That budget resolution called for $205 billion in increased spending over 5 years, and this number ballooned to $350 billion over 10 years. Apparently, this amount was not high enough, so this budget ups the amount to $210 billion over the next 5 years, and it will have the same ballooning effect over the years beyond because the spending gets built into the baseline. That is the danger of a seemingly small amount of additional spending. It is insidious. It seems relatively small in the first year, and so it may be, but the way we do budgeting in Congress has a way of multiplying the seemingly small increases so they are huge in a few years. There is a compounding effect.

In his opening remarks on Monday, the distinguished chairman of the Budget Committee talked about the need for additional investment in America. He spoke about priorities in education, energy, infrastructure, law enforcement, weatherization, health care, uninsured children, food, drug safety, veterans, and much more.

I know the Senator from North Dakota is sincere, and I know he works hard and is very effective in presenting his side of the argument. I have much admiration and affection for him. I care a great deal for him. He has a very tough job, and he does it well.

The Senator from North Dakota is right about the needs of this country—they are unlimited, just like the needs of the typical American family. The needs of the American people as a whole are unlimited. The problem in both situations is that we do not have unlimited resources, and neither does the family. We have to make choices, and we have to set priorities. It would be nice if we could simply take care of every problem in this Nation by spending the money that is needed, just as it would be great if every American family had enough money to solve all of its problems. But that is not reality.

In reality, we are in serious financial trouble in this country. Money trouble, if you will. When a family faces reality and knows it has money trouble, that family will sit down at the kitchen table and decide where to prioritize and

what has to go. That is exactly what we need to do at the national level.

The Senator from North Dakota is correct about another point, and that is that the discretionary portion of our budget is getting squeezed. According to Comptroller General David Walker, the portion of discretionary spending in 1966 was 67 percent of the total budget. By 1986, this portion had dropped to 44 percent. By 2006, a couple years ago, it was down to 38 percent.

This shrinking percentage of discretionary spending, however, is not because we are spending less in terms of nominal dollars. The fact is we spent almost twice as much on discretionary programs in 2007 as we did in 2000. However, our mandatory spending is increasing so much faster. This growth in the entitlement programs, such as Medicare, Medicaid, and Social Security, is squeezing out our ability to grow the amount we spend on discretionary programs.

But the answer is not to increase discretionary spending even by what the proponents of this budget are calling a very small amount. We are going in the wrong direction, and this small amount will compound into a large amount in a few years. And guess what. Once we spend and it gets built into the baseline, it is almost impossible to get it out.

This leads me to the third faulty premise underlying this budget resolution, and that is it is safe to ignore our longer term problems with Medicare, Medicaid, and Social Security. I know if I were to separately ask each Member of this body if we need to do something about the growth of these programs, there is a good chance that every single Senator would agree we cannot afford to ignore them and that something has to be done to save our future. But as I looked over this budget resolution, I cannot seem to find the part that addresses the growth of these programs, and yet the Government Accountability Office tells us that between now and 2032, spending on Medicare and Medicaid alone will grow about 230 percent. At the same time, our GDP will grow about 70 percent if we are lucky.

Let me share some truly frightening numbers with you. The Government Accountability Office recently computed the fiscal exposures we face as a nation from our unfunded obligations under Social Security and Medicare. In 2007 dollars, our total unfunded liability for future Social Security benefits, assuming the law does not change, is $6.8 trillion—that is trillion dollars. This is a number of galactic proportions, so big that it is hard to comprehend. But I have to tell you, it pales in comparison to the amount of our unfunded liability associated with Medicare, which is more than $34 trillion—that is trillion dollars, $34 trillion. When this is combined with all other major fiscal exposures, the GAO estimates that our total unfunded liability is almost $53 trillion. That is with a T. This amount is nearly as high as the total household net worth of Americans, which is $59 trillion.

In other words, we are nearly bankrupt as a nation. Within a few years, we will absolutely be bankrupt if something is not done. It is clear that this path is not sustainable. We all know it. Our children know it, and our grandchildren are going to find it out the hard way. They are going to blame us if we do not act to turn things around. It is as if we are all in a ship floating down a river. The waters are quite calm now, but the map shows that a very high and dangerous waterfall is ahead of us. We know if we do not turn the ship around, disaster awaits. But it is not an easy thing to do. We know we cannot turn it around in 1 year. It will take a lot of work and sacrifice. It will take pain.

It is easy to say we should wait, that this is an election year and a new captain and maybe a new crew will be taking over after the election. But I say to my colleagues, we cannot afford to wait. In the midst of the calm water, we can hear the roar of the waterfall. We are coming to it very quickly, and if we wait too long, catastrophe will result. The budget before us does nothing about the cataclysm just down the river. It is a fatal flaw.

I started by mentioning that the rich do pay a lot of taxes right now. Actually, the rich are paying more after the tax cuts than they were paying before. The fact is, the upper 1 percent of the rich—the last time I saw the figures, and it is even worse now—are paying about 39 percent of all income taxes—the upper 1 percent of all taxpayers. And the top 5 percent pay about 60 percent of all taxes. And the upper 50 percent pay almost 97 percent of all income taxes. Think about that. The bottom 50 percent pay little or none and many of them get largess from the Federal Government. So this idea that the rich need to pay more is a phony argument. It is time people got called on that argument. It is phony, it doesn't make sense, and we have to get with it around here. We cannot keep bringing up these phony budgets such as this with all the budgetary gimmicks this one has in it.

I don't blame the distinguished Senator from North Dakota. He has a side that is fractionated. They want to spend more—that is how they keep themselves in power—and he has to find gimmicks and some way of justifying additional spending, and this budget is filled with additional spending, additional taxes, and a lot of budget gimmicks that should not be in it.

I urge my colleagues to reject this budget resolution. Let's get started on one that recognizes the dangers ahead and begins to turn this ship around before we hit that cataclysmic waterfall.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Mr. President, I ask unanimous consent that I be allowed to speak before Senator COBURN, my colleague from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in support of the budget resolution before us this evening. Governing is about choosing. This budget makes the right choices and at the same time maintains fiscal discipline.

Over the past year, I have held some 85 roundtables of 20 or 25 people each in communities across the State. I have held them in some 55 of Ohio's counties, listening to workers and business leaders, listening to teachers and sheriffs, listening to people running social service agencies and people served by those social service agencies. In every town I visited, Ohioans have asked to work together with the Federal Government, not for a handout, not necessarily for assistance, but to work together with the Federal Government in attacking the problems of our small towns, our rural areas, our inner-ring suburbs, and our big cities.

I have heard from employers who have good jobs that go begging because we have not trained or retrained people in the skills they need. I have heard from county commissioners, worried that their crumbling bridges may fall and that their water and sewer infrastructures are not sound. I have heard from doctors who think we can do a much better job of providing access to health care through their offices and their examining rooms rather than through the emergency room, and not just for the 47 million Americans without health insurance, including 9 million children, but for the millions of people in this country with inadequate health insurance.

Last month we saw the priorities of the Bush administration when he sent his budget to Congress. The Bush budget proposed to cut funding for job training and technical education. Today I met with people from Wayne County and Butler County, from Geauga County and Cuyahoga County, and all over my State, to talk to people who are teachers and administrators, and superintendents and students, who depend on vocational training, technical education, and who provide training for so many in our State.

The Bush budget proposed to cut the community development block grants by more than 20 percent. As big cities and small towns face the impending problems that are in the midst now of these problems with foreclosures, the Bush budget proposed to cut health care for seniors and for children, and these are the choices of the Bush administration. They are the choices of an administration that has gone in the wrong direction year after year after

year. They are the choices we must reject.

Our budget, by contrast, will increase Federal efforts to educate and train our citizens, young and old. Our budget will increase funding for economic development and for rebuilding our Nation's infrastructure. Our budget will improve the health care of families and of children. Our budget will help to create good-paying jobs here in America.

This administration either doesn't care or doesn't understand what it is doing to the middle class and what is happening to the middle class. Up until last summer—in front of the Presiding Officer in the Banking Committee—the Secretary of the Treasury and others in the administration assured everyone the economy was doing fine and the housing crisis was contained. Senator MENENDEZ and so many others here spoke up for Federal involvement in trying to help the many people in New Jersey and Ohio and across the country who were threatened with this foreclosure problem in their homes and in their neighborhoods. But when the problems were mostly on Ohio's main streets, the main streets of Zanesville and Steubenville, the main streets of Toledo and Dayton and Lima and Marion, the administration was indifferent. They said the problem would go away. But when the problems migrated from main street Mansfield and main street Springfield to Wall Street, suddenly the problems became important to the administration.

But even then the response of the Bush budget to economic troubles and to the problems of foreclosure across our country speaks volumes. It proposes to cut taxes for the wealthiest people in the country, offset by cuts in Medicare. They want to pay for their tax cuts for the richest people in the country, but they do it by making cuts in Medicare. They propose to reduce benefits under the Social Security system while pushing a privatization program that generates big fees for Wall Street at the expense of seniors and disabled people in our country.

While families are struggling to afford the cost of sending their children to college, it proposes to cut Federal support for student loans. One of the greatest accomplishments of this new Democratic majority, right off the bat, is what we were able to do to increase Pell grants and what we have been able to do to bring down interest rates for student loans, and what the Governor of my State, Governor Strickland, has done by freezing college loans.

The Bush administration, it seems, as I said, either doesn't know, doesn't understand, or doesn't care about these middle-class kids who are struggling to go to college.

My wife was the first in her family to go to college. She got loans, she got grants, and she graduated with a debt of only a couple thousand dollars. That was almost 30 years ago. Today, it is very different, because the Federal Government has simply shrugged its shoulders and said, that is the problem of these middle-class students.

I am proud that our budget charts a much different course. Most importantly, we invest in America. We invest in its people and in its communities. And most importantly, we invest in America's future.

The President likes to tout the length of the economic recovery, but he seldom mentions its breadth or its depth, and for good reason. During the last 7 years, median weekly earnings have actually fallen, after adjusting for inflation. Most Ohioans make less today than they made when George Bush took office, in real dollars. Job creation has been the worst since the Hoover administration. And if you look at private sector jobs or manufacturing jobs, the picture is even worse. As bad as job creation and job growth has been, as I said, it has been even worse in the private sector and even worse yet in the manufacturing sector.

If there is a recovery, as the President likes to trumpet, heaven help us in a recession. Middle-class families are being squeezed by toxic mortgages and by gas prices that have doubled in the past few years. The President didn't know that gas prices had exceeded $3 and were approaching, in some places, $4 a gallon. Middle-class families are being squeezed by increases in the cost of food, education, and the cost of health care.

Our budget will extend tax relief to these families. The Democratic budget will prevent the alternative minimum tax from reaching millions of middle-class families. Senator BAUCUS's amendment, which I am cosponsoring, will provide further relief by extending the tax credit, the child credit, the dependent care credit, and other provisions, including several important provisions to our veterans and to our active duty military personnel.

At the same time, unlike the President's budget of the last 5 years, we maintain a path to a balanced budget. The Senator from New Jersey and I, and others, participated in the 1990s in passing a balanced budget under President Clinton. We moved toward a balanced budget, unlike what President Bush has unraveled in the last 6 years. This is an important difference between our budget and the President's.

Once upon a time, our Republican colleagues were concerned about balancing the budget. That was then. Now, this administration has piled up trillions of dollars of debt that our children and grandchildren will be forced to repay—a sorry legacy indeed. The public debt stood at $6 trillion—actually less than $6 trillion—when President Bush took the oath of office in 2001. By the end of this fiscal year, the debt will have grown to $10 trillion. That is a 4,000 billion dollar growth, from under $6 trillion to more than $10 trillion. Even at a time of low interest rates, we will spend $260 billion next year to pay interest due on that debt.

Many of my Republican colleagues have changed their tune because they do not seem so interested in balanced budgets anymore. They will say the cost isn't that great when measured against the size of the economy. But they ignore the opportunity cost. Think of that $260 billion and what we could have done with that money. Think of how it could be used to expand opportunity for better health care, for education, for roads, for bridges, for research, for infrastructure. Instead, we write checks to bondholders, many of them big contributors to my Republican colleagues, whose addresses are more and more often found, in some cases, in China and in the OPEC states and in the offshore banking centers.

The hundreds of billions in Federal debt financed by foreigners is swamped by the even larger size of the trade deficit, which has roughly doubled under the Bush administration, to more than $700 billion last year. Every day in this country, every single day of the year, we buy almost $2 billion in goods, importing more into this country than we export—almost $2 billion every single day. That translates into lost jobs, it translates into stagnating wages, it translates into communities that are, in many cases, devastated. Places particularly hard hit are smaller towns and industrial centers that have been hard hit by plant closings.

Our manufacturing sector has in too many cases been hollowed out. Companies that have been in business for centuries, surviving challenges from the Great War to the Great Depression, have been unable to weather this administration. The response: The Bush budget eliminates funding for one of the Government's most effective programs to help small business, the Manufacturing Extension Program, which assists American manufacturers to adapt to changing technology.

We can do better, and the Democratic budget does do better. Over the weeks ahead, in working with our colleagues in the House, we will write a budget that pays attention to the voices of the middle class and responds to the needs of the middle class. We will write a budget that increases funding for education and for health care, one that gears tax policy to the needs of struggling families and small businesses, and one that builds a foundation rather than undercutting that foundation for our future and doesn't take a mortgage out on it.

As an Eagle Scout many years ago, I was taught you should leave a campground better than you found it. I think that is not a bad description for our role as Senators too. Let us make the choices that will leave the country's fiscal situation better than it is today. Let's help the middle class, let's help working families and end the red ink. Let's invest in our future.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. 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.

CONSOLIDATED RESOURCES ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the following letter and listing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 11, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: S. 2739, the Consolidated Natural Resources Act of 2008, which I introduced yesterday, is a collection of 62 separate legislative measures under the jurisdiction of the Committee on Energy and Natural Resources. The purpose of the bill is to facilitate consideration in the Senate of the large and growing number of measures relating to protection of natural resources and preservation of our historic heritage that have been passed by the House of Representatives and approved by the Committee on Energy and Natural Resources. Forty-three of the measures in S. 2739 consist of the text of separate bills passed by the House of Representatives, twelve are drawn from separate titles, subtitles, or sections of two other House-passed bills, and two are House-passed concurrent resolutions. Only one provision, section 482, contains new matter that has not passed the House of Representatives.

While S. 2739 incorporates a number of provisions of S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, which I introduced 3 months ago, on December 14, 2007, there are a number of differences between the bills that are dictated by the amount of time that has elapsed since last December and by action that has since taken place in the House of Representatives. Two of the sections included in S. 2483 last December were subsequently enacted into law as part of the Consolidated Appropriations Act, 2008, Public Law 110–161, and, accordingly, have been left out of S. 2739. Eight new provisions, drawn from eight separate House bills or resolutions, have been added. Two of the effective dates in title VIII of S. 2483 have been extended in S. 2739 in light of the passage of time since S. 2483 was introduced. In addition, minor modifications were made in a few other provisions.

Although S. 2739 has not been referred to the Committee on Energy and Natural Resources, all of the House bills that make up S. 2739 or their Senate companions have either been reported or ordered reported by the Committee.

Rule XLIV of the Standing Rules of the Senate provides that, before proceeding to the consideration of a bill, the chairman of the committee of jurisdiction must certify that each congressionally designated spending item in the bill and the name of the Senator requesting it has been identified and posted on a publicly accessible website. The term ''congressionally designated spending item'' is broadly defined, in pertinent part, to include '' a provision . . . included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.''

Fifteen of the House-passed measures incorporated into S. 2739 contain provisions authorizing the appropriation of specific amounts targeted to specific entities or localities. These authorizations are included in S. 2739 because they are part of the text of the House-passed bills. No Senator submitted a request to me to include them.

In the interest of furthering the transparency and accountability of the legislative process, however, I have posted a list of the specific authorizations in S. 2739 on the Committee on Energy and Natural Resources' website. The list includes the name of the principal sponsor of the Senate companion measure that corresponds to the House-passed bill. A copy of the list is attached for your convenience.

I previously asked the principal sponsor of the Senate companion measure of each House bill contained in S. 2483 to certify that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, and have posted the certifications I have received on the Committee's website. All certifications received in relation to S. 2483 remain on the Committee's website, where they are available for public inspection in accordance with paragraph 6 of Rule XLIV. I have not received any requests for new congressionally directed spending items to be included in S. 2739.

Thus, in accordance with Rule XLIV of the Standing Rules of the Senate, I hereby certify that each congressionally directed spending item in S. 2739 has been identified through a list and that the list was posted on the Committee's publicly accessible website at approximately 3:00 p.m. on March 11, 2008.

Sincerely,

JEFF BINGAMAN,
Chairman.

COMMITTEE ON ENERGY AND NATURAL RESOURCES CONGRESSIONALLY DIRECTED SPENDING ITEM CERTIFICATION PURSUANT TO RULE XLIV OF THE STANDING RULES OF THE SENATE

S. 2739—THE CONSOLIDATED NATURAL RESOURCES ACT OF 2008

Provisions in S. 2739 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process:

Section	Program or entity	State	Principal sponsor of Senate bill
314(c)	Acadia National Park	ME	Collins
333(e)	American Latino Museum Commission	DC	Salazar
334(j)	Hudson-Fulton and Champlain Commissions	NY & VT	Clinton
342(f)	Lewis & Clark Visitor Center	NE	Hagel
409	Hallowed Ground National Heritage Area	VA	Warner
430	Niagara Falls National Heritage Area	NY	Schumer
449	Abraham Lincoln National Heritage Area	IL	Durbin
461	Multiple National Heritage Areas	OH, PA, MA, SC	Voinovich
		WV, TN, GA, IA, & NY	none
504(d)	Watkins Dam	UT	Hatch
505	New Mexico water planning assistance	NM	Domenici
509	Multiple Oregon water projects	OR	Smith/Wyden
511	Eastern Municipal Water District	CA	Feinstein
512	Bay Area water recycling program	CA	Feinstein
515(b)(6)	Platte River	NB, WY, CO	Nelson (of NB)
516(c)	Central Oklahoma Master Conservancy District	OK	Inhofe

ARREST OF VIKTOR BOUT

Mr. FEINGOLD. Mr. President, I was pleased to hear about the recent arrest of Viktor Bout, one of the most notorious arms dealers in the world. Last week, Mr. Bout, was arrested in Thailand by a U.S. sting operation in collaboration with Thai authorities which apprehended him as he was allegedly trying to sell weapons to the FARC the main Colombian rebel group and an organization that has also been placed on the U.S. terrorist list.

If Bout is charged and convicted in Thailand, he faces 10 years in prison, while if the U.S. is able to extradite him he will face 15 years. I certainly recognize the need to ensure a free and fair trial for Mr. Bout that is his right but I am nonetheless pleased that after numerous attempts he has finally been arrested. For years, Bout has been able to evade law enforcement officers around the world, despite investigations by the U.N., the media, and even intelligence sources that indicate his complicity in arms smuggling and his role in fueling some of the world's most brutal wars in some cases by providing weapons to both sides of the conflict.

Despite an outstanding 2002 Interpol warrant, until last week he was able to successfully dodge arrest.

Mr. President, Viktor Bout benefited from the unrestrained capitalism and weak institutions that emerged in the aftermath of the fall of the Berlin Wall and the collapse of the Soviet Union. He used that tumultuous period for his own personal gain, as he built an aircraft fleet, purchased cheaply from the stockpiles of discarded Cold War weapons, and sought out clients around the globe to help perpetuate his diabolical money-making schemes. He exploited the dearth of arms control initiatives in fledging countries and recognized that the lack of an international framework would serve his interests well.

According to Douglas Farah, one of the authors of the recently published ''Merchant of Death,'' ''[it] is highly unlikely [Bout] could have flown aircraft out of Russia and acquired huge amounts of weapons from Soviet arsenals without the direct protection of Russian intelligence, and, given his background, the [Russian military intelligence] seems the most likely candidate.'' Indeed, it is likely that such assistance was needed to create such a vast empire.

Mr. President, this empire had many and varied clients. In fact, during the early years of the Iraq war, Bout's aircrafts were used to support U.S. Government contractor and subcontractor work. I inquired about the use of these aircrafts at a 2004 Iraq hearing in the Senate Foreign Relations Committee and learned shortly thereafter that both the State and Defense Departments had done business with Bout. Not long after my inquiry, this business relationship was purportedly terminated and Bout's assets were frozen by the Treasury Department. But despite this corrective action, Bout's work remained uninhibited and, according to some credible reports, he continued to associate with other entities of the U.S. Government.

Bout was clearly a savvy and dependable broker, but he used these talents to do business with some of the most unsavory characters in the world. The U.N. investigative team which pursued Bout found that he was pouring small arms and ammunition into Afghanistan, Angola, Rwanda, Sierra Leone, and the Democratic Republic of Congo for years—enabling millions of innocent people to be slaughtered and supporting carnage at unprecedented levels.

Bout was able to circumvent both national and international arms controls by exploiting holes in the system. Despite the arrest warrants, asset freezes, and international embargoes, he was able to operate with impunity because of the lack of concerted international cooperation within the arms control and law enforcement arenas. Last week's arrest is a testament to the importance of that global cooperation and a reminder that as our world continues to globalize we must work together in order to hold individuals like Bout accountable for their actions.

UPCOMING ELECTIONS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, since independence in 1980, politics in Zimbabwe had been dominated by one party and indeed one man President and head of the ruling ZANU-PF, Robert Mugabe. In February 2000, Zimbabwe's citizens delivered a blow to President Mugabe when they rejected his party's proposed new constitution, and then in June's legislative elections, even without access to the state-run media and without significant financing, opposition candidates managed to win 58 of 150 parliamentary seats, up from just 3.

In 2000, I joined many in Zimbabwe and the international community in hoping that this victory would mark the end of the ruling party's stranglehold on the state and herald the opening of democratic space and opportunities in a country that has seen repression for too long. Instead, Mr. Mugabe and his party responded to these defeats by tightening their grip on power. In 2000, international headlines warned of ''Zimbabwe's unprecedented economic and social crisis'' with unemployment at 50 percent and almost 60 percent inflation, and the 2000 elections were marred by the harassment of opposition candidates and supporters in which at least 25 were killed.

These numbers pale in comparison with the devastating economic and political situations in Zimbabwe today. According to official figures, annual inflation now tops 100,000 percent with 80 percent employment despite the fact that at least one quarter of the population has fled the country. Meanwhile, the harassment and intimidation of the independent media, opposition politicians, civil society leaders, and human rights advocates has become more widespread and systematic.

Exactly 1 year ago today, when opposition party activists and members of civil society attempted to hold a peaceful prayer meeting in response to President Mugabe's announcement that he would seek reelection, they were brutally assaulted by ZANU-PF police officers, security forces, and youth militia. More than 50 were arrested, at least 1 killed, and many badly beaten.

On this somber anniversary, I appeal to political leaders here in the United States, in Africa, and around the world to send a strong signal to President Mugabe and his supporters that we want to see Zimbabwe recover from its current crisis and we will be watching as the unprecedented simultaneous presidential and legislative general elections are held on March 29. The violent repression, and even coercive harassment, we saw in March 2007 is unacceptable and will have negative consequences both internally and externally.

For years, I have been frustrated and saddened by the hastening decline of this country. The courageous, patriotic citizens of Zimbabwe who resist the state's repression, even at enormous personal cost, must know that the world supports them, and the country's corrupt and tyrannical rulers must be told that their time is up.

Although it will not happen this month, I hope that someday soon the people of Zimbabwe will be given a chance to freely express their will in a genuine democratic process that is free from manipulation, intimidation, and coercion.

THE TRUE COSTS OF THE IRAQ WAR

Mr. LEAHY. Mr. President, the economists Linda Bilmes and Joseph Stiglitz recently produced an illuminating analysis of the real costs of the war in Iraq, which was published last Sunday in The Washington Post.

As the war grinds on toward its fifth year, and as the war continues to warp our Nation's priorities at home and abroad, this is an analysis that every American deserves to see. I also commend it to the attention of the Members of the Senate.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 2008]

THE IRAQ WAR WILL COST US $3 TRILLION, AND MUCH MORE

(By Linda J. Bilmes and Joseph E. Stiglitz)

There is no such thing as a free lunch, and there is no such thing as a free war. The Iraq adventure has seriously weakened the U.S. economy, whose woes now go far beyond loose mortgage lending. You can't spend $3 trillion—yes, $3 trillion—on a failed war abroad and not feel the pain at home.

Some people will scoff at that number, but we've done the math. Senior Bush administration aides certainly pooh-poohed worrisome estimates in the run-up to the war. Former White House economic adviser Lawrence Lindsey reckoned that the conflict would cost $100 billion to $200 billion; Defense Secretary Donald H. Rumsfeld later called his estimate ''baloney.'' Administration officials insisted that the costs would be more like $50 billion to $60 billion. In April 2003, Andrew S. Natsios, the thoughtful head of the U.S. Agency for International Development, said on ''Nightline'' that reconstructing Iraq would cost the American taxpayer just $1.7 billion. Ted Koppel, in disbelief, pressed Natsios on the question, but Natsios stuck to his guns. Others in the administration, such as Deputy Defense Secretary Paul D. Wolfowitz, hoped that U.S. partners would chip in, as they had in the 1991 Persian Gulf War, or that Iraq's oil would pay for the damages.

The end result of all this wishful thinking? As we approach the fifth anniversary of the invasion, Iraq is not only the second longest war in U.S. history (after Vietnam), it is also the second most costly—surpassed only by World War II.

Why doesn't the public understand the staggering scale of our expenditures? In part because the administration talks only about the upfront costs, which are mostly handled

by emergency appropriations. (Iraq funding is apparently still an emergency five years after the war began.) These costs, by our calculations, are now running at $12 billion a month—$16 billion if you include Afghanistan. By the time you add in the costs hidden in the defense budget, the money we'll have to spend to help future veterans, and money to refurbish a military whose equipment and materiel have been greatly depleted, the total tab to the federal government will almost surely exceed $1.5 trillion.

But the costs to our society and economy are far greater. When a young soldier is killed in Iraq or Afghanistan, his or her family will receive a U.S. government check for just $500,000 (combining life insurance with a ''death gratuity'')—far less than the typical amount paid by insurance companies for the death of a young person in a car accident. The stark ''budgetary cost'' of $500,000 is clearly only a fraction of the total cost society pays for the loss of life—and no one can ever really compensate the families. Moreover, disability pay seldom provides adequate compensation for wounded troops or their families. Indeed, in one out of five cases of seriously injured soldiers, someone in their family has to give up a job to take care of them.

But beyond this is the cost to the already sputtering U.S. economy. All told, the bill for the Iraq war is likely to top $3 trillion. And that's a conservative estimate.

President Bush tried to sell the American people on the idea that we could have a war with little or no economic sacrifice. Even after the United States went to war, Bush and Congress cut taxes, especially on the rich—even though the United States already had a massive deficit. So the war had to be funded by more borrowing. By the end of the Bush administration, the cost of the wars in Iraq and Afghanistan, plus the cumulative interest on the increased borrowing used to fund them, will have added about $1 trillion to the national debt.

The long-term burden of paying for the conflicts will curtail the country's ability to tackle other urgent problems, no matter who wins the presidency in November. Our vast and growing indebtedness inevitably makes it harder to afford new health-care plans, make large-scale repairs to crumbling roads and bridges, or build better-equipped schools. Already, the escalating cost of the wars has crowded out spending on virtually all other discretionary federal programs, including the National Institutes of Health, the Food and Drug Administration, the Environmental Protection Agency, and federal aid to states and cities, all of which have been scaled back significantly since the invasion of Iraq.

To make matters worse, the U.S. economy is facing a recession. But our ability to implement a truly effective economic-stimulus package is crimped by expenditures of close to $200 billion on the two wars this year alone and by a skyrocketing national debt.

The United States is a rich and strong country, but even rich and strong countries squander trillions of dollars at their peril. Think what a difference $3 trillion could make for so many of the United States'—or the world's—problems. We could have had a Marshall Plan to help desperately poor countries, winning the hearts and maybe the minds of Muslim nations now gripped by anti-Americanism. In a world with millions of illiterate children, we could have achieved literacy for all—for less than the price of a month's combat in Iraq. We worry about China's growing influence in Africa, but the upfront cost of a month of fighting in Iraq would pay for more than doubling our annual current aid spending on Africa.

Closer to home, we could have funded countless schools to give children locked in the underclass a shot at decent lives. Or we could have tackled the massive problem of Social Security, which Bush began his second term hoping to address; for far, far less than the cost of the war, we could have ensured the solvency of Social Security for the next half a century or more.

Economists used to think that wars were good for the economy, a notion born out of memories of how the massive spending of World War II helped bring the United States and the world out of the Great Depression. But we now know far better ways to stimulate an economy—ways that quickly improve citizens' well-being and lay the foundations for future growth. But money spent paying Nepalese workers in Iraq (or even Iraqi ones) doesn't stimulate the U.S. economy the way that money spent at home would—and it certainly doesn't provide the basis for long-term growth the way investments in research, education or infrastructure would.

Another worry: This war has been particularly hard on the economy because it led to a spike in oil prices. Before the 2003 invasion, oil cost less than $25 a barrel, and futures markets expected it to remain around there. (Yes, China and India were growing by leaps and bounds, but cheap supplies from the Middle East were expected to meet their demands.) The war changed that equation, and oil prices recently topped $100 per barrel.

While Washington has been spending well beyond its means, others have been saving—including the oil-rich countries that, like the oil companies, have been among the few winners of this war. No wonder, then, that China, Singapore and many Persian Gulf emirates have become lenders of last resort for troubled Wall Street banks, plowing in billions of dollars to shore up Citigroup, Merrill Lynch and other firms that burned their fingers on subprime mortgages. How long will it be before the huge sovereign wealth funds controlled by these countries begin buying up large shares of other U.S. assets?

The Bush team, then, is not merely handing over the war to the next administration; it is also bequeathing deep economic problems that have been seriously exacerbated by reckless war financing. We face an economic downturn that's likely to be the worst in more than a quarter-century.

Until recently, many marveled at the way the United States could spend hundreds of billions of dollars on oil and blow through hundreds of billions more in Iraq with what seemed to be strikingly little short-run impact on the economy. But there's no great mystery here. The economy's weaknesses were concealed by the Federal Reserve, which pumped in liquidity, and by regulators that looked away as loans were handed out well beyond borrowers' ability to repay them. Meanwhile, banks and credit-rating agencies pretended that financial alchemy could convert bad mortgages into AAA assets, and the Fed looked the other way as the U.S. household-savings rate plummeted to zero.

It's a bleak picture. The total loss from this economic downturn—measured by the disparity between the economy's actual output and its potential output—is likely to be the greatest since the Great Depression. That total, itself well in excess of $1 trillion, is not included in our estimated $3 trillion cost of the war.

Others will have to work out the geopolitics, but the economics here are clear. Ending the war, or at least moving rapidly to wind it down, would yield major economic dividends.

As we head toward November, opinion polls say that voters' main worry is now the economy, not the war. But there's no way to disentangle the two. The United States will be paying the price of Iraq for decades to come. The price tag will be all the greater because we tried to ignore the laws of economics—and the cost will grow the longer we remain.

DEATHS OF WOMEN IN GUATEMALA

Mr. BINGAMAN. Mr. President, I wish to speak about the tragic deaths of women and girls in Guatemala and to note the passage of a resolution I introduced that is aimed at enhancing efforts by the Governments of Guatemala and the United States to address this serious issue. The resolution, S. Res. 178, which passed the Senate last night, is cosponsored by Senators Boxer, Casey, Dodd, Durbin, Feingold, Feinstein, Lautenberg, Leahy, Lincoln, Menendez, Sanders, Smith, and Snowe.

Mr. President, since 2001 more than 2,000 women and girls have been murdered in Guatemala. Although the overall murder rate in the country is extremely troubling, the murder rate with regard to women has increased at an alarming rate it almost doubled from 2001 to 2006. While these killings may be due to a variety of factors, what clearly unifies these cases is the fact that very few of the perpetrators have been brought to justice. It is my understanding that, as of 2006, there were only 20 convictions for these killings.

The general lack of respect for the rule of law, inadequate legal protections for women, ongoing violence in the country, corruption, insufficient resources, substandard investigations, and the lack of independent and effective judicial and prosecutorial systems, all contribute to the inability of the Government of Guatemala to hold those responsible for these killings accountable for their crimes. The result is a sense of impunity for crimes against women in the country.

The Government of Guatemala has taken some steps to address these killings. Guatemala has created special police and prosecutorial units to investigate these murders and repealed the so-called ''Rape Law'' which had absolved perpetrators of criminal responsibility for rape upon the perpetrator's marriage with the victim. The Government also entered into an agreement with the United Nations to establish the International Commission Against Impunity in Guatemala, CICIG, which has a mandate to investigate and prosecute illegal security groups operating with impunity. And Guatemala established the National Institute for Forensic Sciences to improve investigatory and evidence gathering efforts.

The resolution the Senate passed last night is aimed at raising awareness of this issue and encouraging the Governments of Guatemala and the United States to work together to stop these killings. Among other things, the resolution: condemns these murders and expresses the sympathy of the Senate to the families of women and girls murdered in Guatemala; encourages the Government of Guatemala to act

with due diligence in investigating and prosecuting those responsible for these crimes; urges the Government of Guatemala to strengthen domestic violence laws and to provide adequate resources necessary to improve the integrity of the prosecutorial and judicial systems; urges the President and the Secretary of State to incorporate this issue into the bilateral agenda between the Governments of Guatemala and the United States; and encourages the Secretary of State to provide assistance in training and equipping special police units to investigate these crimes, implementing judicial reforms and rule of law programs, establishing a missing persons system, creating an effective witness protection program, and supporting efforts to enhance forensic capabilities.

Mr. President, I believe it is very important to give this issue the attention it deserves. Last year, the House of Representatives passed a similar measure, which was introduced by Congresswoman SOLIS. With passage of this resolution, I am very pleased that the Senate has spoken regarding the need to stop these senseless killings.

JOINT RESOLUTION DISAPPROVING THE FCC MEDIA OWNERSHIP RULE

Mr. DORGAN. Mr. President, on March 5, 2008, I introduced a joint resolution of disapproval stating that the December 18, 2007, vote by the Federal Communications Commission to loosen the ban on cross-ownership of newspapers and broadcast stations shall have no force or effect. I am joined by Senators SNOWE, KERRY, COLLINS, DODD, STEVENS, OBAMA, HARKIN, CLINTON, CANTWELL, BIDEN, REED, FEINSTEIN, SANDERS, TESTER, LEAHY, FEINGOLD, and BOXER. We seek with this resolution of disapproval to reverse the Federal Communications Commission's, FCC, fast march to ease media ownership rules.

The FCC has taken a series of destructive actions in the past two decades that I believe have undermined the public interest. On December 18, 2007, they took yet another step in the wrong direction. They gave a further green light to media concentration.

The FCC voted to allow cross-ownership of newspapers and broadcast stations in the top 20 markets, with loopholes for mergers outside of the top 20 markets. The newspapers would be allowed to buy stations ranked above fifth and above.

The rule change was framed as a modest compromise. But make no mistake, this is a big deal. As much as 44 percent of the population lives in the top 20 markets of the United States. When nearly half of the people in this country are told that in their cities and towns the media will get the thumbs up to consolidate, they will not be happy. And with the loopholes in the rule, the FCC spurs a new wave of media consolidation in both large and small media markets.

The last time the FCC tried to do this, the U.S. Senate voted to block it. On September 16, 2003, the Senate voted 55 to 40 to support a ''resolution of disapproval'' of the FCC's previous decision to further consolidate media. We warned Chairman Martin that if he rushed this vote we would have to use the resolution of disapproval again.

On December 4th the Commerce Committee reported out the bipartisan ''Media Ownership Act of 2007,'' S. 2332 with 25 co-sponsors, requiring the FCC to give more time for public comment and study the issues of localism and diversity. The Chairman overlooked this bill.

On the day before the vote, 27 Senators sent them a letter in opposition to such a rushed vote on the rules. He went ahead anyway.

The FCC rushed towards a December 18th vote with a complete disregard for the process, let alone the substance of their ruling.

They rushed to finish the localism and ownership hearings with as little as 5 business days of notice before the last hearings.

The Chairman put out the proposed rule changes on November 13th in a New York Times op-ed—after the comment period had closed.

He then didn't give the public nearly enough opportunity to comment on the actual rule changes that were voted on. He gave the public just 28 days to comment on the proposed rules. While he likes to speak of giving 120 days and six hearings around the country, this was prior to the announcement of what rules would actually change. And he ignored the public testimony anyway.

This was hardly an open and deliberative process. It is a massive rush and a big mistake.

This rule will undercut localism and diversity of ownership around the country. Studies show that removing the ban on newspaper/broadcast cross-ownership results in a net loss in the amount of local news produced in the market as a whole. In addition, while the FCC suggests that cross-ownership is necessary to save failing newspapers, the publicly traded newspapers earn annual rates of return between 16 and 18 percent.

This Resolution of Disapproval will ensure this rule change has no effect. This is again a bipartisan effort to stop the FCC from destroying the local interests that we have always felt must be a part of broadcasting.

It is time to ensure that we first protect localism and diversity, which the FCC appears to have long forgotten. Only then can we really review the rules of media ownership in a thorough process to see if it is actually in the public interest to reverse any of those rules, or if greater public interest protections are necessary.

ADDITIONAL STATEMENTS

HONORING JERRY BUTKIEWICZ

• Mrs. BOXER. Mr. President, today I wish to honor Jerry Butkiewicz, a labor leader in San Diego who recently retired as secretary-treasurer of the San Diego Imperial Counties Labor Council. He has devoted the past 30 years to improving the quality of life for all people.

In 1975, Jerry Butkiewicz joined the American Postal Workers Union, APWU, in Phoenix, AZ. He became shop steward and within a few years rose to president of the local. Five years later, attracted by the beautiful weather in California, Jerry Butkiewicz and his family moved to Oceanside in San Diego where he continued to work for the U.S. Postal Service. Shortly after his arrival, he was elected president of the APWU in Oceanside. In 1981, the San Diego Imperial Counties Labor Council selected him as their liaison between organized labor and the United Way of San Diego County.

Elected secretary-treasurer in 1996, Jerry Butkiewicz led the Labor Council with compassion, practicality, and a tireless work ethic until January 2008. Over his 12 years as secretary-treasurer, he worked to grow and strengthen the labor movement in San Diego. Through his efforts, the Labor Council has improved the lives of countless San Diegans. Jerry was active in the San Diego Greater Chamber of Commerce, the United Way of San Diego, the San Diego Workforce Partnership, the Environmental Health Coalition, and the State Workforce Investment Board.

Jerry Butkiewicz has worked tirelessly to provide all Californians with a fair wage, affordable health care, and a safe working environment. His service to the working families of San Diego has been an invaluable contribution to all who live in San Diego and California.

I congratulate Jerry Butkiewicz on his retirement, and wish him continued success in his future endeavors.•

50TH ANNIVERSARY OF LAS TRAMPAS

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 50th anniversary of Las Trampas, a nonprofit organization dedicated to supporting adults with developmental disabilities located in Contra Costa County.

Founded in 1958 in Lafayette, CA, Las Trampas has grown to include four State-licensed group residential homes throughout Contra Costa County. Through the work of its staff, volunteers, and board of directors, Las Trampas actively assists adults with developmental disabilities to discover their capabilities so that they may live their lives as independently as possible.

Las Trampas is committed to helping each of its clients succeed in all aspects of daily living. It offers programs

that emphasize a life-long educational process, including self-advocacy skills, risk evaluation, emotion management, and clear communication skills. Two programs of note include the Adult Vocational Program and the Adult Development Program. The Adult Vocational Program provides employment services and skills development, and has helped many Las Trampas clients gain employment with local businesses. The Adult Development Program caters to small groups and highlights educational development in the areas of daily living tasks, communications, social interaction, and employment. Most importantly, Las Trampas works with every person to help them practice each of these skills in real life situations.

The support services and programs provided by Las Trampas offer those with developmental disabilities the opportunity to turn the dream of full inclusion in the community into a reality. I commend the Las Trampas staff and volunteers for their dedicated work in assisting adults with developmental disabilities lead fuller lives in their home, at work, and in the community.

I congratulate Las Trampas for its dedicated work on this special occasion, and I send my best wishes for many future successes over the next 50 years.●

100TH ANNIVERSARY OF THE YWCA OF SAN DIEGO COUNTY

● Mrs. BOXER. Mr. President, I ask my colleagues to recognize the 100th anniversary of the YWCA of San Diego County. On Tuesday, March 11, 2008, YWCA of San Diego County and community members will gather to celebrate this momentous occasion.

The YWCA is the largest and oldest multicultural women's organization in the world. The YWCA was formed in 1855 in London by Emma Robarts and Mrs. Arthur Kinnaird. The YWCA later expanded to the United States in 1858 in New York and Boston. Today it serves as the largest organization dedicated to empowering women and provide an important voice for women at local, state, and international levels. YWCA of San Diego County is one of 300 local associations in the United States.

YWCA of San Diego County was formally incorporated in 1908. For the past 100 years, YWCA has been a champion in the community on behalf of women and families who escape homelessness and domestic violence. The mission of YWCA ''is to increase safety, promote healing, foster empowerment, and give hope to women and families through innovative programs'' and services.

The dedication of the YWCA to its mission is displayed through the programs and services that the YWCA provides. These programs and services include residential programs like transitional housing and emergency shelter, legal support, career assistance, counseling, and a telephone hotline. All of these programs are designed to support the needs of women and families coping with domestic violence and homelessness.

Through a variety of programs such as Becky's House emergency shelter the YWCA of San Diego County is able to offer confidential, transitional housing for victims of domestic violence and their children. Various services like, legal assistance and counseling is provided to the residents of the emergency shelter. After the residents complete a 30 day stay at the shelter they are given the opportunity to complete an 18-month residential program at Becky's House. This program provides legal assistance, educational and career counseling, case management, and educational and play activities for the children of the women in the program.

More than 70 percent of the 2,000 individuals the YWCA of San Diego County serve each year are able to obtain employment and permanent housing, so that the individual can sustain a secure, independent way of life.

YWCA of San Diego County has set a wonderful example of philanthropy, civic service, and altruism for the community at large. Organizations such as the YWCA should be recognized for the critical role they play in strengthening women and families in California and the United States of America. I salute the men and women of YWCA for their continuous commitment to the betterment of women and families in crisis and efforts to enrich the broader San Diego community.

I congratulate the YWCA of San Diego County on the celebration of its 100th anniversary. I wish them continued success.●

RECOGNIZING CHAFFEY COLLEGE ON ITS 125TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing Chaffey College as it celebrates its 125th anniversary. Throughout the past 125 years, the students, faculty, staff, and community have worked diligently to make Chaffey College a hallmark institution of higher learning in southern California.

In March 1883, brothers and engineers George and William Chaffey donated land and established an endowment for a private college to provide quality education to the citrus growing communities between the cities of Los Angeles and San Bernardino. The Chaffey brothers envisioned access to higher education throughout southern California for a burgeoning population, which would soon be realized by the dynamic growth of the college. The private school was initially founded as the Chaffey College of Agriculture as part of the University of Southern California. A short time later the college had an enrollment of 100 students and began to receive joint funding through the local school district, allowing a period of dramatic growth to begin.

Since that time, Chaffey College has continued in its legacy of expansion, and it has taken great strides to provide increased opportunities for higher education throughout the region. It has developed satellite campus facilities in Ontario, Fontana and Chino. The education center in Chino is the only community college facility in California that is dedicated solely to information technology. And in May 2007, Chaffey College was able to dedicate six new buildings, including four science and technology buildings, the Don Berz Excellence Building, and the Kane Center for Student Services and Administration. Today, Chaffey College offers a wide variety of both academic and vocational education courses to over 18,000 students, helping an entire region of students throughout multiple communities find a competitive edge in the global marketplace.

As Chaffey College celebrates 125 years of growth and development in serving the communities of southern California, I am pleased to ask my colleagues to recognize its accomplishments. The success of our Nation and of future generations of Americans will be ensured by the continuing dedication and commitment of educational institutions such as Chaffey College.●

TRIBUTE TO DR. PATRICIA SANDERS

● Mr. SESSIONS. Mr. President, on the occasion of her retirement from the Department of Defense, I wish to recognize Dr. Patricia Sanders for her nearly 35 years of dedicated service to the security of our country. In her most recent assignment, she served as Executive Director at the Missile Defense Agency, where she advised the Director on issues related to the management and operations of one of the most dynamic organizations within the Department of Defense. Dr. Sanders has made an enormous contribution to the successful development and fielding of a defense to protect a nation, American troops deployed abroad, and our allies and friends from attack by ballistic missiles.

Dr. Sanders graduated as a National Science Foundation Fellow from Wayne State University in 1972 with a doctorate in mathematics, where she also was educated in economics, organizational management, and other disciplines. She went on to hold several university faculty positions. It is to our great benefit, though, that Dr. Sanders decided to pursue a career in government.

Her service within the Department of Defense as a member of the test and evaluation community has been extensive. Prior positions in the Office of the Secretary of Defense included serving as the Director of Land Forces in the Office of the Assistant Secretary of Defense for Program Analysis and Evaluation and as Staff Specialist for the Director of Operational Test and Evaluation. Dr. Sanders served as Deputy

Director for Analysis with the U.S. Space Command, Science Adviser to the Command, Control, Communications and Countermeasures Joint Test Force, and Chief of Modeling and Simulation and Technical Advisor to the Electronics Systems Division at the Air Force Operational Test and Evaluation Center.

Dr. Sanders has extensive experience as a member of the Department's senior executive service. Before coming to the Missile Defense Agency, she was the Director for Test, Systems Engineering and Evaluation in the Office of the Under Secretary of Defense for Acquisition and Technology, responsible for ensuring the integration of all engineering disciplines into the system acquisition process, providing technical risk assessments and oversight of developmental test and evaluation for many of the weapon systems used by our Armed Forces today.

Dr. Sanders held numerous positions within the Missile Defense Agency and its predecessor organization, the Ballistic Missile Defense Organization. She came to the Ballistic Missile Defense Organization in 1999 to be the Deputy for Test, Simulation and Evaluation. In this position, she was also the senior technical advisor to the Director. She served in this capacity until the Secretary of Defense gave the missile defense program a new direction.

In early 2002, the start of one of the most dynamic periods in the Agency's history, and shortly after the Missile Defense Agency was established, Dr. Sanders was appointed the Deputy Director for Ballistic Missile Defense System Integration. She played a critical role in managing the development and fielding of an integrated missile defense system. Dr. Sanders played an instrumental role in developing the concept for the Ballistic Missile Defense System and advising Department leaders on the authorities and responsibilities required to develop and field an effective missile defense system.

As Executive Director, a role she assumed in 2005, Dr. Sanders advised the Director on issues related to Agency management and operations. She also took on numerous tasks delegated by the Director such as directing the development of strategic communications campaign plans. Perhaps the most striking example of this came in the U.S. Government's European Site Initiative, where her vision for and guidance to this endeavor contributed to the development of a broad consensus among national leaders, combatant commanders, and the international communities on the growing need to establish a long-range missile defense capability in Europe. Dr. Sanders also helped to realize important cooperative agreements with Japan and Israel, which today are helping contribute to a truly worldwide ballistic missile defense capability.

During North Korea's provocative missile launches in July 2006, Dr. Sanders coordinated the Agency's actions during this crisis and established a dedicated crisis action team of highly trained staff to provide situation awareness to the President, combatant commanders, and the entire missile defense developer community. She educated senior military and civilian decisionmakers on the capabilities afforded by the deployed elements of the system so that the Nation's plans to deal with the crisis were based on accurate and timely information.

As the Agency's senior leader dealing with operational and management functions, Dr. Sanders impacted the Agency's operations on a daily basis. She served as a senior interlocutor with all external defense agencies, the Services, and Members of Congress. The Agency's senior civilian, she was also the final arbiter of all issues related to personnel administration and development, directing and managing a diverse staff spanning seventeen time zones. In just the last 2 years, the Agency underwent a conversion to the new National Security Personnel System and made plans to execute a Base Realignment to Huntsville, AL, by 2011. To help the Agency weather this challenging period, Dr. Sanders instituted several major efforts in strategic human capital planning. She restructured the Agency's strategic mission planning and communications activity, directing a much-needed overhaul of long-range congressional and public affairs strategies. She also created and chaired a Base Realignment and Closure Panel to develop strategies for the transition to Huntsville and established working relationships with local officials in northern Alabama and with the Tennessee Valley Association. As a direct result of her leadership, the Agency has received more volunteers for relocation than anticipated.

For many years now Dr. Sanders has been a fellow of the American Institute of Aeronautics and Astronautics and, at one point, served as chair of AIAA's Flight Test Technical Committee. She is a past president of the International Test and Evaluation Association and has served on the board of directors for the Military Operations Research Society. She also has devoted significant time to mentoring future Defense Department civilian leaders. Throughout her career, Dr Sanders has been a champion of diversity and has been dedicated to recruitment and retention of young professionals in the Federal Government. She has been a dedicated mentor to women in the engineering field and has been a role model and pathfinder for women in defense. In addition, while at MDA, Dr. Sanders instituted a mentoring program for defense acquisition professionals, established an active career intern program and a Presidential management fellowship program.

Dr. Patricia Sanders has consistently exemplified the finest attributes of a senior executive dedicated to public service. Her contributions, leadership, and service are well known throughout the Department. I am honored and proud to enter this tribute to Dr. Patricia Sanders into the official record. On behalf of all my colleagues, and with deep gratitude in my heart, I wish her the best as she embarks on the next journey in her life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED ON MARCH 15, 1995, WITH RESPECT TO IRAN—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Iran remains the world's most active state sponsor of terrorism, and continues to provide lethal support to Lebanese Hizballah, HAMAS, Palestinian Islamic Jihad and numerous other terrorist organizations in the region, as well as to the Taliban in Afghanistan and various Iraqi militant groups. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice

to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 11, 2008*.

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 306. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

H. Con. Res. 313. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

At 2:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

ENROLLED JOINT RESOLUTION SIGNED

The President pro tempore (Mr. BYRD) announced that on today, March 11, 2008, he had signed the following enrolled joint resolution, previously signed by the Speaker of the House:

S.J. Res. 25. Joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

At 7:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2738. A bill to identify and remove criminal aliens incarcerated in correctional facilities in the United States and for other purposes.

S. 2739. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

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–5354. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Daniel P. Leaf, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5355. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Codification and Modification of Berry Amendment'' (DFARS Case 2002–D002) received on March 6, 2008; to the Committee on Armed Services.

EC–5356. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision to conduct a streamlined A–76 competition of aircraft maintenance; to the Committee on Armed Services.

EC–5357. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the waiver of the requirement for full-up system-level live fire testing relative to the KC–X; to the Committee on Armed Services.

EC–5358. A communication from the Principal Deputy, Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, an annual report relative to the activities of the Defense Production Act Title III fund for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–5359. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Expanded Authorization for Temporary Exports and Reexports of Tools of Trade to Sudan'' (RIN0694–AE20) received on March 6, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5360. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Securities Offering Disclosure Rules'' (RIN1557–AD04) received on March 6, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5361. A communication from the Acting Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Administration's Capital Investment Plan for fiscal year 2009 through fiscal year 2013; to the Committee on Commerce, Science, and Transportation.

EC–5362. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Aleutian Islands Habitat Conservation Area'' (RIN0648–AV62) received on March 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5363. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XF57) received on March 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5364. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD68) received on March 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5365. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XF62) received on March 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5366. A communication from the Secretary of Transportation, transmitting, the report of proposed legislation intended to allow a State to use funds to promote the use of motorcycle helmets; to the Committee on Commerce, Science, and Transportation.

EC–5367. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the disclosure of financial interest and recusal requirements; to the Committee on Commerce, Science, and Transportation.

EC–5368. A communication from the Secretary of Energy, transmitting, proposed legislation to authorize the Secretary to accept funds for use in Russia's plutonium disposition program; to the Committee on Energy and Natural Resources.

EC–5369. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to

the activities of the Office of the Medicare Ombudsman; to the Committee on Finance.

EC–5370. A communication from the Acting Chief, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Addition of Lithuania to the List of Nations Entitled to Special Tonnage Tax Exemption'' (CBP Dec. 08–02) received on March 6, 2008; to the Committee on Finance.

EC–5371. 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 ''Revenue Procedure: National Median Gross Income Figures for 2008'' (Rev. Proc. 2008–19) received on March 6, 2008; to the Committee on Finance.

EC–5372. 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 ''Amplification of Notice 2006–27; Certification of Energy Efficient Home Credit'' (Notice 2008–35) received on March 6, 2008; to the Committee on Finance.

EC–5373. 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 ''Amplification of Notice 2006–28; Energy Efficient Home Credit; Manufacture Homes'' (Notice 2008–36) received on March 6, 2008; to the Committee on Finance.

EC–5374. 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 ''Herbert V. Kohler, Jr., et al. v. Commissioner'' (AOD 2008–9) received on March 6, 2008; to the Committee on Finance.

EC–5375. 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 ''2008 Section 280F Automobile Inflation Adjustments'' (Rev. Proc. 2008–22) received on March 6, 2008; to the Committee on Finance.

EC–5376. 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 ''Qualified Films Under Section 199'' ((RIN1545–BG33) (TD 9384)) received on March 6, 2008; to the Committee on Finance.

EC–5377. 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 ''Guidance Under Section 1502; Amendment of Meeting Rule for Certain Gains on Member Stock'' ((RIN1545–BH21) (TD 9383)) received on March 6, 2008; to the Committee on Finance.

EC–5378. 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 ''Alternative Disability Mortality Tables'' (Notice 2008–29) received on March 6, 2008; to the Committee on Finance.

EC–5379. 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 ''Guidance on Various Distribution Issues Effective in 2008 under the Pension Protection Act of 2008'' (Notice 2008–30) received on March 6, 2008; to the Committee on Finance.

EC–5380. 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 ''Voluntary Compliance Initiative Covering Policies of Insurance and Reinsurance Issues by Foreign Insurers and Foreign Reinsurers'' (Announcement 2008–18) received on March 6, 2008; to the Committee on Finance.

EC–5381. 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 ''Revenue Ruling 2008–15'' received on March 6, 2008; to the Committee on Finance.

EC–5382. 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 ''Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts'' ((RIN1545–BG65) (TD 9385)) received on March 6, 2008; to the Committee on Finance.

EC–5383. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–18—2008–20); to the Committee on Foreign Relations.

EC–5384. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to the United Kingdom to support the manufacture of the MX–10205A/GRC Applique; to the Committee on Foreign Relations.

EC–5385. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed manufacturing license agreement for the export of defense articles to the United Kingdom to support the replication of the Quick Fox software object code; to the Committee on Foreign Relations.

EC–5386. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, an annual report relative to its operations and financial condition; to the Committee on Health, Education, Labor, and Pensions.

EC–5387. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on March 6, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5388. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the use of the exemption from the antitrust laws provided by the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

EC–5389. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–313 , ''Emergency Medical Services Improvement Amendment Act of 2008'' received on March 6, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5390. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–292 , ''Commission on Fashion Arts and Events Establishment Act of 2008'' received on March 6, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5391. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–312 , ''Evictions with Dignity Amendment Act of 2008'' received on March 6, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5392. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled, ''The Federal Agency Data Mining Reporting Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–5393. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Sunshine Act during calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

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 Ms. LANDRIEU:

S. 2740. A bill to modify the project area for the project for navigation, Atchafalaya River, Bayous Chene, Bouef, and Black, Louisiana; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 2741. A bill to amend the Internal Revenue Code of 1986 to provide for disability savings accounts, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN:

S. 2742. 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 Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. HATCH):

S. 2743. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2744. A bill to amend the Workforce Investment Act of 1998 to increase the Nation's competitiveness and enhance the workforce investment systems by authorizing the implementation of Workforce Innovation in Regional Economic Development plans, the integration of appropriate programs and resources as part of such plans, and the provision of supplementary grant assistance and additional related activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself, Mr. TESTER, Mr. SMITH, and Mr. BAUCUS):

S. Res. 479. A resolution designating March 20, 2008, as ''Second Annual National Native HIV/AIDS Awareness Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors 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. 358

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1506

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1506, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1924

At the request of Mr. CARDIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2123

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2275

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2275, a bill to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates, and for other purposes.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2335

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2335, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2523

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2550

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2586

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

S. 2606

At the request of Mr. DODD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2657

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2657, a bill to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2701

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2701, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery in the eastern Nebraska region to serve veterans in the eastern Nebraska and western Iowa regions.

S. 2703

At the request of Mrs. DOLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2703, a bill to reduce the reporting and certification burdens for certain financial institutions of sections 302 and 404 of the Sarbanes-Oxley Act of 2002.

S. 2713

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2713, a bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 2714

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2714, a bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorists activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 138

At the request of Mr. SALAZAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 138, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

S. RES. 390

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 390, a resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

S. RES. 476

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 476, a resolution designating March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''.

AMENDMENT NO. 4148

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. DODD), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4148 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 2741. A bill to amend the Internal Revenue Code of 1986 to provide for disability savings accounts, and for other purposes; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today to introduce the Disability Savings Act of 2008. This important legislation is designed to help individuals with disabilities live full and productive lives for all their years.

As we all know, disability is a part of human experience. The U.S. Census Bureau reports nearly 20 percent of Americans have some level of disability while 12.5 percent reported a severe disability. We should do what we can to make it possible for these Americans to live independently, exert control and choice over their lives, and fully participate in their communities. One of the key ways we can accomplish this goal is to help individuals with disabilities and their families save money for disability related expenses, especially those expected over the course of full life.

Over the years, Congress has provided incentives to American families to save for various long term goals: college education, home ownership, and retirement. These incentives have given families the tools to help their children, well after they have left the home.

But for families who have a child with a disability, particularly a cognitive disability, these goals may not match their needs. Many of these children will depend on Medicaid, Social Security Disability Insurance, and Supplemental Security Income. They cannot risk losing these benefits. And they may never get to the point where they can consider college or home ownership.

These individuals will frequently incur significant additional costs related to services and supports necessary to maintain health and independence. Parents also have to worry about what will happen to their children after they are gone.

The World Institute on Disability reports that over 1/3 of adults with disabilities live in households with income of $15,000 or less. According to the 2005 American Community Survey, median earnings for individuals with disabilities were a little more than half of the median income of those without disabilities.

It is common for families to provide for individuals with significant disabilities who cannot support themselves. These families often do this at great cost to themselves both financially and emotionally. They do it out of love, and they do not ask to be relieved of their burdens. But they are hoping that we can provide the tools to help them ensure their loved ones can lead full lives for many years.

That is why I am introducing the Disability Savings Act of 2008. This bill

will encourage individuals with disabilities and their families to save money for their unique disability-related needs in Disability Savings Accounts. These accounts will provide a tax-advantaged mechanism for individuals with disabilities to save money.

The interest on these accounts, with a balance of up to $250,000, will be tax free. Expenditures from the accounts for specific qualified services such as education, medical services, employment training and support, and transportation, will not be subject to income tax. The accounts will be easier to manage, and use than other existing savings mechanisms for individuals with disabilities. To be sure these accounts are available to low and moderate income earners, there will be a refundable matching tax credit of up to $1000 for contributions. Account holders can even roll funds from college savings plans and special needs trusts for the same beneficiary into the Disability Savings Account without penalty. These accounts will supplement, not supplant, benefits provided by other, sources such as Medicaid, private insurance, and Supplemental Security Income, SSI, and the assets held within them will not be counted against eligibility for those programs.

In order to be eligible to have a Disability Savings Account, beneficiaries must be determined to be blind or disabled by the Social Security Administration or the Disability Determination Service of a state, and be under the age of 65. The accounts can be held and managed through a financial institution by the beneficiary, their spouse or family member, or a legal guardian.

I hope that my colleagues will see the benefit of this approach and join me in this effort. I urge them to cosponsor this legislation and work with me to give individuals with disabilities and their families the tools they need to live healthy independent lives.

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. 2741

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 ''Disability Savings Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Disability is a natural part of the human experience. Individuals with disabilities have the right to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of American society.

(2) Americans with disabilities are more likely to live in poverty than those without disabilities. According to the World Institute on Disability, over one-third of adults with disabilities live in households with income of $15,000 or less compared to only 12 percent of those without disabilities. According to the 2005 American Community Survey, median annual earnings for individuals without a disability were $25,000 compared with $12,800 for those with a severe disability.

(3) Families often provide the primary financial assistance necessary for individuals with significant disabilities who cannot support themselves. Families supporting members with disabilities often experience substantial negative effects on the vocational and economic health of the family.

(4) Individuals with disabilities often incur significant additional costs related to services and supports necessary to maintain the health and independence needed to fully participate in society.

(5) Throughout the years policymakers have provided incentives to Americans to save money for purposes such as home ownership, education and retirement. Many of these benefits do not meet the savings needs of individuals with disabilities and their families.

(6) Encouraging individuals with disabilities and their families to save funds will allow them to achieve greater control, choice, participation in community, security, and independence in their lives.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence, and quality of life.

(2) To provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits provided through private insurance, the Medicaid program under title XIX of the Social Security Act, the supplemental security income program under title XVI of such Act, the beneficiary's employment, and other sources.

SEC. 4. DISABILITY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following new part:

''PART IX—DISABILITY SAVINGS ENTITIES

''Sec. 530A. Disability savings accounts.

''SEC. 530A. DISABILITY SAVINGS ACCOUNTS.

''(a) DISABILITY SAVINGS ACCOUNT DEFINED.—For purposes of this section, the term 'disability savings account' means a trust created or organized in the United States by a qualified individual exclusively for the benefit of a qualified beneficiary, but only if the written governing instrument creating the trust meets the following requirements:

''(1) No contribution shall be accepted—

''(A) unless it is in cash, or

''(B) if such contribution would result in the total aggregate contributions to such account exceeding $1,000,000.

''(2) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section or who has so demonstrated with respect to any individual retirement plan.

''(3) A qualified individual is designated for the purpose of administering requests for distributions from the trust.

''(4) No part of the trust assets will be invested in life insurance contracts.

''(5) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

''(6) Except as provided in subsection (c)(6), in the case that the qualified beneficiary dies or ceases to be a qualified beneficiary, all amounts remaining in the trust up to an amount equal to the total medical assistance paid for the qualified beneficiary under any State Medicaid plan established under title XIX of the Social Security Act shall be distributed to each such State.

''(b) TAX TREATMENT OF INCOME.—

''(1) IN GENERAL.—A disability savings account which has a value of $250,000 or less for any taxable year shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, a disability savings account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

''(2) TAXABLE ACCOUNTS.—Any disability savings account which is not exempt from tax under paragraph (1) shall be taxed in the same manner as a qualified disability trust (as defined in section 642(b)(2)(C)(ii)).

''(3) DETERMINATION OF VALUE.—The value of a disability savings account shall be deemed to be in excess of $250,000 for a taxable year if the daily balance of such account (determined as of the close of business on any business day) exceeds $250,000 for the majority of business days during such taxable year.

''(c) TAX TREATMENT OF DISTRIBUTIONS.—

''(1) IN GENERAL.—Any distribution from a disability savings account shall be included in the gross income of the qualified beneficiary in the manner provided in section 72.

''(2) DISTRIBUTIONS FOR QUALIFIED SERVICES OR PRODUCTS.—

''(A) IN GENERAL.—No amount shall be included in gross income under paragraph (1) if such amount is distributed—

''(i) for a qualified service or product, and

''(ii) except as otherwise provided by the Secretary, by means of an electronic fund transfer to the person who provided the qualified service or product.

''(B) QUALIFIED SERVICE OR PRODUCT.—

''(i) IN GENERAL.—The term 'qualified service or product' means any service or product which is provided to a qualified beneficiary on account of such beneficiary's disability.

''(ii) CERTAIN SERVICES AND PRODUCTS INCLUDED.—Such term shall include preschool education, postsecondary education, tutoring, special education services, training, employment supports, personal assistance supports, community-based supports, respite care, clothing, assistive technology, home modifications, therapy, nutritional management, out-of-pocket medical, vision, or dental expenses, transportation services, vehicle purchases or modifications, insurance premiums, habilitation and rehabilitation services, funeral and burial expenses, and any other service or product consistent with the purposes of this section and allowed under regulations established by the Secretary, in consultation with the Secretary of Health and Human Services.

''(iii) PROHIBITED SERVICES AND PRODUCTS.—Such term shall not include any service or product paid for by a third-party payer, such as private insurance or a Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(C) DISALLOWANCE OF EXCLUDED AMOUNTS AS DEDUCTION, CREDIT, OR EXCLUSION.—No deduction, credit, or exclusion shall be allowed to the taxpayer under any other section of this chapter for any qualified service or product to the extent taken into account in determining the amount of exclusion under this paragraph.

''(3) EXCEPTION FOR DISTRIBUTIONS RETURNED BEFORE CERTAIN DATE.—Paragraph (1) shall not apply to any distribution made from a disability savings account during a taxable year on behalf of the qualified beneficiary if the qualified beneficiary makes a

contribution to such disability savings account in an amount equal to the amount of such distribution before the date that is 180 days after such distribution was made.

''(4) ADDITIONAL TAX FOR DISTRIBUTIONS NOT USED FOR QUALIFIED SERVICES OR PRODUCTS.—The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from an disability savings account which is includible in gross income shall be increased by 10 percent of the amount which is so includible.

''(5) ROLLOVER CONTRIBUTIONS.—Paragraph (1) shall not apply to any amount paid or distributed from a disability savings account to the extent that the amount received is paid, not later than the 60th day after the date of such payment or distribution, into—

''(A) another disability savings account for the benefit of—

''(i) the same qualified beneficiary, or

''(ii) an individual who—

''(I) is the spouse of the qualified beneficiary or bears a relationship to the qualified beneficiary which is described in section 152(d)(2), and

''(II) is a qualified beneficiary, or

''(B) any trust which is described in subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act and which is for the benefit of and individual described in clause (i) or (ii) of subparagraph (A).

The preceding sentence shall not apply to any payment or distribution if it applied to any prior payment or distribution during the 12-month period ending on the date of the payment or distribution.

''(6) CHANGE IN BENEFICIARY.—Any change in the beneficiary of a disability savings account shall not be treated as a distribution for purposes of paragraph (1) if the new beneficiary is an individual described in paragraph (5)(A)(ii) as of the date of the change.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED BENEFICIARY.—The term 'qualified beneficiary' means any individual who—

''(A) is under the age of 65, and

''(B) has—

''(i) been determined by the Commissioner of Social Security or the Disability Determination Service of a State to be—

''(I) blind (as determined under section 1614(a)(2) of the Social Security Act, but without regard to any income or asset eligibility requirements that apply under such title), or

''(II) disabled (as determined under section 1614(a)(3) of the Social Security Act, but without regard to any income or asset eligibility requirements that apply under such title, or under section 216(d) of such Act), and

''(ii) not been determined by the Commissioner of Social Security or the Disability Determination Service of a State to be no longer blind or disabled (as so defined).

The term 'Disability Determination Service' means, with respect to each State, the entity that has an agreement with the Commissioner of Social Security to make disability determinations for purposes of title II or XVI of the Social Security Act.

''(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means, with respect to any disability savings account—

''(A) the qualified beneficiary,

''(B) any individual—

''(i) who is the spouse of the qualified beneficiary or bears a relationship to the qualified beneficiary which is described in section 152(d)(2), or

''(ii) provides over one half of such qualified beneficiary's support,

''(C) the legal guardian of the qualified beneficiary, or

''(D) in the case of any qualified beneficiary who is in the legal custody of a State or any agency thereof, any individual appointed for purposes of this paragraph by a court of competent jurisdiction.

''(3) ACCOUNT TERMINATIONS, ETC.—

''(A) PROHIBITED TRANSACTIONS.—If, during any taxable year of the qualified individual designated under subsection (a)(3), such qualified individual or the qualified beneficiary of the disability savings account engages in any transaction prohibited under section 4975, such account ceases to be an disability savings account as of the first day of such taxable year.

''(B) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year of the qualified beneficiary, the qualified beneficiary uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to the qualified beneficiary.

''(4) ONLY 1 ACCOUNT PER QUALIFIED BENEFICIARY.—No individual who is a qualified beneficiary may have more than 1 disability savings account. The Secretary may promulgate regulations necessary to carry out the purposes of this paragraph.

''(e) REPORTS.—The trustee of a disability savings account shall make such reports regarding such account to the Secretary and to the qualified individual designated under subsection (a)(3) with respect to contributions, distributions, fees (including the maximum, minimum, and average fees for such accounts), and such other matters as the Secretary may require. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required.

''(f) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out the purposes of this section and to prevent the abuse of such purposes.''.

(b) ROLLOVERS FROM QUALIFIED TUITION PROGRAMS.—Paragraph (3) of section 529(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) ROLLOVERS TO DISABILITY SAVINGS ACCOUNTS.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to that portion of any distribution which, within 60 days of such distribution, is transferred to a disability savings account with respect to which the designated beneficiary is the qualified beneficiary (as defined by section 530A(d)(1)).

''(ii) LIMITATION.—Clause (i) shall not apply to any transfer if a prior transfer described in clause (i) has occurred at any time preceding such transfer.''.

(c) TAX ON PROHIBITED TRANSACTIONS.—

(1) IN GENERAL.—Paragraph (1) of section 4975(e) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (F), and by inserting after subparagraph (F) the following new subparagraph:

''(G) a disability savings account described in section 530A(a), or''.

(2) SPECIAL RULE.—Section 4975(c) of such Code is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR DISABILITY SAVINGS ACCOUNTS.—A qualified beneficiary (as defined by section 530A(d)(1)) shall be exempt from the tax imposed by this section with respect to any transaction concerning a disability savings account (as defined by section 530A(a)) which would otherwise be taxable under this section if, with respect to such transaction, the account ceases to be a disability savings account by reason of the application of section 530A(d)(3)(A) to such account.''.

(d) FAILURE TO PROVIDE REPORTS ON DISABILITY SAVINGS ACCOUNTS.—Paragraph (2) of section 6693(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ''and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) section 530A(e) (relating to disability savings accounts).''.

(e) ANNUAL REPORTS TO CONGRESS.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, shall report annually to Congress on the usage of disability savings accounts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commissioner of Social Security for fiscal years beginning with fiscal year 2007, such sums as may be necessary for certifying and recertifying individuals as qualified beneficiaries for purposes of section 530A(d)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)). Amounts appropriated pursuant to the preceding sentence may be used by the Commissioner, as appropriate, for making payments to States for certifications and recertifications of individuals as such beneficiaries that are made under an agreement entered into between the Commissioner and by the Disability Determination Service for the State.

(g) CLERICAL AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART IX—DISABILITY SAVINGS ENTITIES''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 5. MATCHING TAX CREDIT FOR CONTRIBUTIONS TO DISABILITY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. DISABILITY SAVINGS ACCOUNT MATCHING CONTRIBUTIONS.

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 50 percent of so much of the qualified disability savings contributions made during the taxable year as do not exceed $2,000.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for the taxable year, over

''(II) the applicable amount, bears to

''(ii) the phaseout amount.

''(C) APPLICABLE AMOUNT; PHASEOUT AMOUNT.—For purposes of subparagraph (B), the applicable amount and the phaseout amount shall be determined as follows:

''

	The applicable amount is:	The phase-out amount is:
In the case of a joint return	$60,000	$10,000
In the case of a head of household	$45,000	$7,500
In any other case	$30,000	$5,000

''(D) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(E) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, each of the applicable amounts in the second column of the table in subparagraph (C) 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, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $500.

''(2) EARNED INCOME LIMITATION.—The amount of the credit allowable under subsection (a) to any taxpayer for any taxable year shall not exceed the earned income (as defined by section 32(c)(2)) of such taxpayer for such taxable year.

''(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term 'qualified individual' means the individual designated as the qualified individual of the disability savings account (as defined in section 530A(a)).

''(d) QUALIFIED DISABILITY SAVINGS CONTRIBUTIONS.—The term 'qualified disability savings contributions' means, with respect to any taxable year, the aggregate contributions made by the taxpayer to the disability savings account (as so defined) with respect to which such taxpayer is the qualified individual.

''(e) TREATMENT OF CONTRIBUTIONS BY DEPENDENT.—If a deduction under section 151 with respect to an individual is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins—

''(1) no credit shall be allowed under subsection (a) to such individual for such individual's taxable year, and

''(2) any qualified disability savings contributions made by such individual during such taxable year shall be treated for purposes of this section as made by such other taxpayer.''.

(b) REFUNDABLE AMOUNT CREDITED TO INDIVIDUAL DISABILITY ACCOUNT.—

(1) TRANSFER OF AMOUNT TO DISABILITY SAVINGS ACCOUNTS.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended by adding at the end the following new subsection:

''(l) SPECIAL RULE FOR OVERPAYMENTS ATTRIBUTABLE TO CREDIT FOR CONTRIBUTIONS TO DISABILITY SAVINGS FUNDS.—

''(1) IN GENERAL.—In the case of any overpayment attributable to the credit allowed under section 36, the Secretary shall transfer such amount to the disability savings account to which the taxpayer made a qualified disability savings contribution.

''(2) TRANSFERS TO MORE THAN 1 ACCOUNT.—If the taxpayer made qualified disability savings contributions to more than 1 disability savings account, the Secretary shall transfer the overpayment described in paragraph (1) to each such disability savings account in an amount that bears the same ratio to the amount of such overpayment as—

''(A) the amount of qualified disability savings contributions made by such taxpayer to such disability savings account, bears to

''(B) the amount of qualified disability savings contribution made by such taxpayer to all disability savings accounts.

''(3) QUALIFIED DISABILITY SAVINGS CONTRIBUTION.—For purposes of this subsection, the term 'qualified disability savings contribution' has the meaning given such term by section 36(d).''.

(2) SEPARATE ACCOUNTING FOR REFUNDABLE AMOUNTS.—

(A) IN GENERAL.—Section 530A(a) of such Code, as added by this Act, is amended by adding at the end the following new paragraph:

''(7) The trust provides a separate accounting for contributions transferred by the Secretary under section 6402(l).''.

(B) SPECIAL RULES FOR CONTRIBUTIONS ATTRIBUTABLE TO DISABILITY SAVINGS ACCOUNT CREDIT.—Section 530A of such Code, as added by this Act, is amended by adding at the end the following new subsection:

''(g) SPECIAL RULES FOR CONTRIBUTIONS ATTRIBUTABLE TO CREDIT FOR DISABILITY SAVINGS ACCOUNT CONTRIBUTIONS.—

''(1) INCREASE IN ADDITIONAL TAX.—In the case of a distribution which includes an amount transferred by the Secretary under section 6402(l) (including any earnings attributable to such amount) and which, but for this paragraph, would be includible in gross income—

''(A) such amount shall not be included in gross income, and

''(B) subsection (c)(4) shall be applied by substituting '100 percent' for '10 percent'.

''(2) ORDERING RULES.—For purposes of applying this subsection to any distribution from a disability savings account—

''(A) IN GENERAL.—Except as provided in subparagraph (B), such distribution shall be treated as made—

''(i) first from amounts contributed to the account other than by reason of section 6402(l), and

''(ii) second from amounts transferred by the Secretary under section 6402(l).

''(B) EXCEPTION FOR DISTRIBUTIONS FOR QUALIFIED SERVICES OR PRODUCTS.—In the case of a distribution for qualified services or products, such distribution shall be treated as made—

''(i) first from amounts transferred by the Secretary under section 6402(l), and

''(ii) second from other amounts contributed to the account.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period at the end '', or enacted by the Disability Savings Act of 2008''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

''Sec. 36. Disability savings account matching contributions.

''Sec. 37. Overpayments of tax.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 6. CREDIT TO INSTITUTIONS FOR MAINTAINING DISABILITY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45O. DISABILITY SAVINGS ACCOUNT INVESTMENT CREDIT.

''(a) DETERMINATION OF AMOUNT.—For purposes of section 38, the disability savings account investment credit determined under this section with respect to any eligible entity for any taxable year is an amount equal to the disability savings account investment provided by such eligible entity during the taxable year.

''(b) DISABILITY SAVINGS ACCOUNT INVESTMENT.—For purposes of this section, the term 'disability savings account investment' means an amount equal to $50 with respect to each disability savings account (as defined in section 530A(a)) maintained—

''(1) as of the end of such taxable year, but only if such taxable year is within the 7-taxable-year period beginning with the taxable year in which such Account is opened, and

''(2) with a balance of not less than $100 (other than the taxable year in which such account is opened).

''(c) ELIGIBLE ENTITY.—For purposes of this section, except as provided in regulations, the term 'eligible entity' means any entity which is the trustee of a disability savings account (as so defined).

''(d) DENIAL OF DOUBLE BENEFIT.—

''(1) IN GENERAL.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which is attributable to the maintenance of a disability savings account.

''(2) DETERMINATION OF AMOUNT.—Solely for purposes of paragraph (1), the amount attributable to the maintenance of a disability savings account shall be deemed to be the dollar amount of the credit allowed under this section for each taxable year such disability savings account is maintained.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of such Code (relating to current year 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 the following new paragraph:

''(32) the disability savings account investment credit determined under section 45O(a).''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45O. Disability savings account investment credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 7. TREATMENT OF DISABILITY SAVINGS ACCOUNTS UNDER CERTAIN FEDERAL PROGRAMS.

(a) TREATMENT AS A MEDICAID EXCEPTED TRUST.—Paragraph (4) of section 1917(d) of the Social Security Act (42 U.S.C. 1396p(d)(4)) is amended by adding at the end the following new subparagraph:

''(D) A trust which is a disability savings account described in section 530A(a) of the Internal Revenue Code of 1986.''.

(b) ACCOUNT FUNDS DISREGARDED FOR PURPOSES OF CERTAIN OTHER MEANS-TESTED FEDERAL PROGRAMS.—

(1) IN GENERAL.—For purposes of determining eligibility for any applicable program, any amount (including earnings thereon) in any disability savings account (as defined in section 530A(a) of the Internal Revenue Code of 1986) established for the benefit of such individual and any distribution for qualified services or products (as defined in section 530A(c)(2)(B)) from such account shall be disregarded with respect to any period during which such individual maintains, makes contributions to, or receives distributions from such disability savings account.

(2) APPLICABLE PROGRAM.—For purposes of this subsection, the term ''applicable program'' means—

(A) the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) a State program funded under part B or E of title IV of such Act (42 U.S.C. 621 et seq., 670 et seq.);

(C) a State program funded under part D of title IV of such Act (42 U.S.C. 651 et seq.);

(D) the supplemental security income program established under title XVI of such Act (42 U.S.C. 1381 et seq.);

(E) the Medicaid program under title XIX of the such Act (42 U.S.C. 1396 et seq.);

(F) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(G) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(H) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (422 U.S.C. 1786);

(I) a child nutrition program, as defined in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)); and

(J) any Federal low-income housing assistance program.

SEC. 8. MARKETING, OUTREACH, AND EDUCATION FOR DISABILITY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a program for marketing, outreach, and education related to disability savings accounts (as defined in section 530A(a) of the Internal Revenue Code of 1986). Such program may utilize contracts with nonprofit organizations established for the purpose of assisting individuals with disabilities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program established under subsection (a).

EASTER SEALS,
Washington, DC, March 10, 2008.

Hon. CHRIS DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: Easter Seals has long been concerned that individuals with disabilities and their families have too few options to save for the future. Currently, individuals must have exceptionally low incomes in order to access essential public services and supports. In those situations in which an individual's family wants to save for the future, a complicated web of state rules that guide special needs trust must be followed, and in nearly every circumstance, families cannot navigate the system without the assistance of an attorney.

For these reasons, Easter Seals is pleased to support the Disability Savings Act of 2008. This legislation clearly identifies the essential need to establish new protocols that enable families with limited incomes to effectively save financial resources to meet the future needs of their family member with a disability. Such protocols must be easy for a family to navigate without a lawyer and must not impose barriers to future benefits such as those available through the Medicaid program. Easter Seals looks forward to working with you to see that legislation that can help these families is enacted in 2008.

As the leading non-profit provider of services for individuals with autism, developmental disabilities, physical and mental disabilities, and other special needs, Easter Seals works to ensure that individuals with disabilities can live, learn, work and play in their communities. Thank you for considering our views.

Sincerely,

KATHERINE BEH NEAS,
Vice President, Government Relations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 479—DESIGNATING MARCH 20, 2008, AS ''SECOND ANNUAL NATIONAL NATIVE HIV/AIDS AWARENESS DAY''

Ms. MURKOWSKI (for herself, Mr. TESTER, Mr. SMITH, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 479

Whereas the number of human immunodeficiency virus and acquired immunodeficiency syndrome (hereafter ''HIV/AIDS'') cases among American Indian and Alaska Native communities has been increasing at an alarming rate and poses a significant threat to the public health of Native communities;

Whereas American Indians and Alaska Natives have the 3rd highest rate of HIV/AIDS infection in the United States, after Blacks and Hispanics;

Whereas, according to the Centers for Disease Control and Prevention HIV/AIDS Surveillance Report published in 2005, the rate per 100,000 persons of HIV/AIDS diagnosis for American Indians and Alaska Natives was 10.4;

Whereas American Indians and Alaska Natives experience the highest disease and mortality rates in the United States compared to other racial and ethnic groups, due to socioeconomic factors that include consistently high rates of poverty, inadequate education, and a lack of access to quality health services;

Whereas certain risk factors exist among Indian and Alaska Native populations that elevate the threat of the HIV/AIDS epidemic, including high rates of sexually transmitted diseases and substance abuse;

Whereas, according to the 2005 Centers for Disease Control and Prevention Sexually Transmitted Disease Surveillance Report, American Indians and Alaska Natives have the 2nd highest infection rates of gonorrhea and chlamydia in the United States and the 3rd highest infection rate of syphilis;

Whereas, according to the 2005 National Survey on Drug Use and Health, American Indians and Alaska Natives had a 12.8 percent higher rate of illicit drug use than any other races or ethnicities;

Whereas, during the years 1997–2004, of persons who had received a diagnosis of HIV/AIDS, American Indians and Alaska Natives had survived a shorter time than had Asians and Pacific Islanders, Whites, or Hispanics;

Whereas, after 9 years, 67 percent of American Indians and Alaska Natives who had been diagnosed with HIV/AIDS were alive, compared to 66 percent of Blacks, 74 percent of Hispanics, 75 percent of Whites, and 81 percent of Asians and Pacific Islanders;

Whereas, from 2001 through 2004, the estimated number of HIV/AIDS cases increased among Whites, Asians and Pacific Islanders, and American Indians and Alaska Natives, and decreased among Blacks and Hispanics; and

Whereas, from 2000 through 2004, the estimated number of deaths among persons with AIDS decreased among Whites, Blacks, and Asians and Pacific Islanders, but increased among American Indians and Alaska Natives: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the seriousness of the spread and threat of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS) epidemic in American Indian and Alaska Native communities;

(2) encourages Federal, State, and tribal governments as well as Indian organizations and health care providers to coordinate efforts in HIV/AIDS testing and in the promotion of prevention activities to further efforts in the reduction of HIV/AIDS infection rates among American Indians and Alaska Natives; and

(3) designates March 20, 2008, as ''Second Annual National Native HIV/AIDS Awareness Day''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4153. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table.

SA 4154. Mr. REED (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. OBAMA, Ms. SNOWE, MR. SUNUNU, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4155. Mr. BROWN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4156. Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DURBIN, Mr. SUNUNU, Mr. DODD, Mr. COLEMAN, Mr. LEAHY, Mr. CORKER, Mrs. BOXER, Mr. MARTINEZ, Mr. VOINOVICH, Mr. MENENDEZ, Ms. MIKULSKI, Mr. LEVIN, Mrs. CLINTON, Mr. HAGEL, Mr. BINGAMAN, Mr. KERRY, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4157. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4158. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4159. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4160. Mr. BAUCUS (for himself, Mr. BAYH, Mr. PRYOR, Mr. NELSON, of Florida, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. TESTER, Mr. BROWN, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CONRAD, Mr. LAUTENBERG, and Ms. LANDRIEU) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4161. Mr. MARTINEZ submitted an amendment intended to be proposed by him

to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4162. Mr. REID submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4163. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4164. Mr. BIDEN (for himself, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. KOHL, Mr. LEAHY, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. REED, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4165. Mr. BIDEN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4166. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4167. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4168. Mr. REED (for himself, Mr. VOINOVICH, Mr. BOND, Mrs. CLINTON, Ms. COLLINS, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. TESTER, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4169. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4170. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. KYL, Mr. MCCONNELL, and Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4171. Mr. CASEY (for himself, Mr. DURBIN, Mr. BROWN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4172. Mr. CASEY (for himself, Mr. SESSIONS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4173. Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. KENNEDY, Mr. DOMENICI, Ms. MIKULSKI, Mr. ENSIGN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4174. Mr. GRASSLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4175. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4176. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4177. Mr. BROWN (for Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. CORNYN, Mr. SPECTER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2516, to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

SA 4178. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table.

SA 4179. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4180. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4181. Mr. PRYOR (for himself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4182. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4183. Mr. PRYOR (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4184. Mr. PRYOR (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4185. Mr. PRYOR (for himself, Mr. DORGAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4153. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $148,000,000.

On page 19, line 17, increase the amount by $89,000,000.

On page 19, line 21, increase the amount by $44,000,000.

On page 19, line 25, increase the amount by $15,000,000.

On page 27, line 16, decrease the amount by $148,000,000.

On page 27, line 17, decrease the amount by $89,000,000.

On page 27, line 21, decrease the amount by $44,000,000.

On page 27, line 25, decrease the amount by $15,000,000.

SA 4154. Mr. REED (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. OBAMA, Ms. SNOWE, MR. SUNUNU, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $2,600,000,000.

On page 19, line 17, increase the amount by $1,820,000,000.

On page 19, line 21, increase the amount by $728,000,000.

On page 19, line 25, increase the amount by $52,000,000.

On page 27, line 16, decrease the amount by $2,600,000,000.

On page 27, line 17, decrease the amount by $1,820,000,000.

On page 27, line 21, decrease the amount by $728,000,000.

On page 27, line 25, decrease the amount by $52,000,000.

SA 4155. Mr. BROWN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 51, line 9, insert after the comma, the following: ''by increasing efforts to train and retrain manufacturing workers,''.

SA 4156. Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DURBIN, Mr. SUNUNU, Mr. DODD, Mr. COLEMAN, Mr. LEAHY, Mr. CORKER, Mrs. BOXER, Mr. MARTINEZ, Mr. VOINOVICH, Mr. MENENDEZ, Ms. MIKULSKI, Mr. LEVIN, Mrs. CLINTON, Mr. HAGEL, Mr. BINGAMAN, Mr. KERRY, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 10, line 12, increase the amount by $2,639,000,000.

On page 10, line 13, increase the amount by $1,356,000,000.

On page 10, line 17, increase the amount by $673,000,000.

On page 10, line 21, increase the amount by $263,000,000.

On page 10, line 25, increase the amount by $159,000,000.

On page 11, line 4, increase the amount by $84,000,000.

On page 27, line 16, decrease the amount by $2,639,000,000.

On page 27, line 17, decrease the amount by $1,356,000,000.

On page 27, line 21, decrease the amount by $673,000,000.

On page 27, line 25, decrease the amount by $263,000,000.

On page 28, line 4, decrease the amount by $159,000,000.

On page 28, line 8, decrease the amount by $84,000,000.

SA 4157. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

On page 4, line 5, increase the amount by $100,533,000,000.

On page 4, line 6, increase the amount by $2,674,000,000.
On page 4, line 7, increase the amount by $4,466,000,000.
On page 4, line 8, increase the amount by $4,906,000,000.
On page 4, line 9, increase by $5,221,000,000.
On page 4, line 14, increase the amount by $42,533,000,000.
On page 4, line 15, increase the amount by $60,674,000,000.
On page 4, line 16, increase the amount by $4,466,000,000.
On page 4, line 17, increase the amount by $4,906,000,000.
On page 4, line 18, increase the amount by $5,221,000,000.
On page 4, line 23, increase the amount by $42,533,000,000.
On page 4, line 24, increase the amount by $60,674,000,000.
On page 4, line 25, increase the amount by $4,466,000,000.
On page 5, line 1, increase the amount by $4,906,000,000.
On page 5, line 2, increase the amount by $5,221,000,000.
On page 5, line 8, increase the amount by $42,533,000,000.
On page 5, line 9, increase the amount by $103,208,000,000.
On page 5, line 10, increase the amount by $107,674,000,000.
On page 5, line 11, increase the amount by $112,580,000,000.
On page 5, line 12, increase the amount by $117,801,000,000.
On page 5, line 16, increase the amount by $42,533,000,000.
On page 5, line 17, increase the amount by $103,208,000,000.
On page 5, line 18, increase the amount by $107,674,000,000.
On page 5, line 19, increase the amount by $112,580,000,000.
On page 5, line 20, increase the amount by $117,801,000,000.
On page 9, line 13, increase the amount by $100,000,000,000.
On page 9, line 14, increase the amount by $42,000,000,000.
On page 9, line 18, increase the amount by $58,000,000,000.
On page 26, line 16, increase the amount by $533,000,000.
On page 26, line 17, increase the amount by $533,000,000.
On page 26, line 20, increase the amount by $2,674,000,000.
On page 26, line 21, increase the amount by $2,674,000,000.
On page 26, line 24, increase the amount by $4,466,000,000.
On page 26, line 25, increase the amount by $4,466,000,000.
On page 27, line 3, increase the amount by $4,906,000,000.
On page 27, line 4, increase the amount by $4,906,000,000.
On page 27, line 7, increase the amount by $5,221,000,000.
On page 27, line 8, increase the amount by $5,221,000,000.
On page 38, line 10, increase the amount by $100,000,000,000.

SA 4158. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 306 and insert the following:

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, and amends the definition of the term ''targeted low-income child'' under title XXI of the Social Security Act to provide that such term means an individual under age 19, including the period from conception to birth, who is eligible for child health assistance under such title XXI by virtue of the definition of the term ''child'' under section 457.10 of title 42, Code of Federal Regulations, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4159. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

Strike paragraph (1) of section 306(e) and insert the following:

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action 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, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as no provision in such bill, joint resolution, amendment, motion or conference report shall be construed as prohibiting the Secretary of Health and Human Services from promulgating or implementing any rule, action, or guidance designed to prevent fraud and protect the integrity of the Medicaid program or SCHIP or reduce inappropriate spending under such programs, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4160. Mr. BAUCUS (for himself, Mr. BAYH, Mr. PRYOR, Mr. NELSON of Florida, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. TESTER, Mr. BROWN, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CONRAD, Mr. LAUTENBERG, and Ms. LANDRIEU) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 3, line 11, decrease the amount by $1,755,000,000.
On page 3, line 12, decrease the amount by $ 1,730,000,000.
On page 3, line 13, decrease the amount by $28,324,000,000.
On page 3, line 14, decrease the amount by $167,072,000,000.
On page 3, line 15, decrease the amount by $141,689,000,000.
On page 3, line 20, decrease the amount by $1,755,000,000.
On page 3, line 21, decrease the amount by $1,730,000,000.
On page 3, line 22, decrease the amount by $28,324,000,000.
On page 3, line 23, decrease the amount by $167,072,000,000.
On page 3, line 24, decrease the amount by $141,689,000,000.
On page 4, line 5, increase the amount by $22,000,000.
On page 4, line 6, increase the amount by $97,000,000.
On page 4, line 7, increase the amount by $846,000,000.
On page 4, line 8, increase the amount by $5,664,000,000.
On page 4, line 9, increase the amount by $13,496,000,000.
On page 4, line 14, increase the amount by $22,000,000.
On page 4, line 15, increase the amount by $97,000,000.
On page 4, line 16, increase the amount by $846,000,000.
On page 4, line 17, increase the amount by $5,664,000,000.
On page 4, line 18, increase the amount by $13,496,000,000.
On page 4, line 23, increase the amount by $1,777,000,000.
On page 4, line 24, increase the amount by $1,827,000,000.
On page 4, line 25, increase the amount by $29,170,000,000.
On page 5, line 1, increase the amount by $172,736,000,000.
On page 5, line 2, increase the amount by $155,185,000,000.
On page 5, line 8, increase the amount by $1,777,000,000.
On page 5, line 9, increase the amount by $3,604,000,000.
On page 5, line 10, increase the amount by $32,774,000,000.
On page 5, line 11, increase the amount by $205,510,000,000.
On page 5, line 12, increase the amount by $360,695,000,000.
On page 5, line 16, increase the amount by $1,777,000,000.
On page 5, line 17, increase the amount by $3,604,000,000.
On page 5, line 18, increase the amount by $32,774,000,000.
On page 5, line 19, increase the amount by $205,510,000,000.
On page 5, line 20, increase the amount by $360,695,000,000.
On page 26, line 16, increase the amount by $22,000,000.
On page 26, line 17, increase the amount by $22,000,000.
On page 26, line 20, increase the amount by $97,000,000.

On page 26, line 21, increase the amount by $97,000,000.
On page 26, line 24, increase the amount by $846,000,000.
On page 26, line 25, increase the amount by $846,000,000.
On page 27, line 3, increase the amount by $5,664,000,000.
On page 27, line 4, increase the amount by $5,664,000,000.
On page 27, line 7, increase the amount by $13,496,000,000.
On page 27, line 8, increase the amount by $13,496,000,000.

SA 4161. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by $63,000,000.
On page 3, line 12, decrease the amount by $239,000,000.
On page 3, line 13, decrease the amount by $484,000,000.
On page 3, line 14, decrease the amount by $687,000,000.
On page 3, line 15, decrease the amount by $780,000,000.
On page 27, line 16, decrease the amount by $63,000,000.
On page 27, line 17, decrease the amount by $63,000,000.
On page 27, line 20, decrease the amount by $239,000,000.
On page 27, line 21, decrease the amount by $239,000,000.
On page 27, line 24, decrease the amount by $484,000,000.
On page 27, line 25, decrease the amount by $484,000,000.
On page 28, line 3, decrease the amount by $687,000,000.
On page 28, line 4, decrease the amount by $687,000,000.
On page 28, line 7, decrease the amount by $780,000,000.
On page 28, line 8, decrease the amount by $780,000,000.

SA 4162. Mr. REID submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for changing the date by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation under section 1414 of title 10, United States Code, is fully phased in from December 31, 2013, to September 30, 2008, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4163. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes up to $500,000,000, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4164. Mr. BIDEN (for himself, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. KOHL, Mr. LEAHY, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. REED, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $551,000,000.
On page 24, line 17, increase the amount by $66,000,000.
On page 24, line 21, increase the amount by $154,000,000.
On page 25, line 25, increase the amount by $138,000,000.
On page 26, line 4, increase the amount by $110,000,000.
On page 25, line 8, increase the amount by $83,000,000.
On page 27, line 16, decrease the amount by $551,000,000.
On page 27, line 17, decrease the amount by $66,000,000.
On page 27, line 21, decrease the amount by $154,000,000.
On page 27, line 25, decrease the amount by $138,000,000.
On page 28, line 4, decrease the amount by $110,000,000.
On page 28, line 8, decrease the amount by $83,000,000.

SA 4165. Mr. BIDEN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $162,000,000.
On page 24, line 17, increase the amount by $36,000,000.
On page 24, line 21, increase the amount by $49,000,000.
On page 24, line 25, increase the amount by $32,000,000.
On page 25, line 4, increase the amount by $24,000,000.
On page 25, line 8, increase the amount by $21,000,000.
On page 27, line 16, decrease the amount by $162,000,000.
On page 27, line 17, decrease the amount by $36,000,000.
On page 27, line 21, decrease the amount by $49,000,000.
On page 27, line 25, decrease the amount by $32,000,000.
On page 28, line 4, decrease the amount by $24,000,000.
On page 28, line 8, decrease the amount by $21,000,000.

SA 4166. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $100,000,000.
On page 24, line 17, increase the amount by $22,000,000.
On page 24, line 21, increase the amount by $30,000,000.
On page 24, line 25, increase the amount by $20,000,000.
On page 25, line 4, increase the amount by $15,000,000.
On page 25, line 8, increase the amount by $13,000,000.
On page 27, line 16, decrease the amount by $100,000,000.
On page 27, line 17, decrease the amount by $22,000,000.
On page 27, line 21, decrease the amount by $30,000,000.
On page 27, line 25, decrease the amount by $20,000,000.
On page 28, line 4, decrease the amount by $15,000,000.
On page 28, line 8, decrease the amount by $13,000,000.

SA 4167. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 56, line 12, after ''transit'' insert '', high speed passenger rail,''.

SA 4168. Mr. REED (for himself, Mr. VOINOVICH, Mr. BOND, Mrs. CLINTON, Ms. COLLINS, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. TESTER, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 13, line 13, increase the amount by $477,000,000.
On page 13, line 14, increase the amount by $19,000,000.
On page 13, line 18, increase the amount by $95,000,000.
On page 13, line 22, increase the amount by $143,000,000.
On page 14, line 1, increase the amount by $95,000,000.
On page 14, line 5, increase the amount by $48,000,000.
On page 27, line 16, decrease the amount by $477,000,000.
On page 27, line 17, decrease the amount by $19,000,000.
On page 27, line 21, decrease the amount by $95,000,000.
On page 27, line 25, decrease the amount by $143,000,000.
On page 28, line 4, decrease the amount by $95,000,000.
On page 28, line 8, decrease the amount by $48,000,000.

SA 4169. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

Beginning on page 66, strike line 6 and all that follows through page 67, line 5, and insert the following:

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action 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, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as such bill, joint resolution, amendment, motion or conference report also includes amendments to such title XIX clarifying the allowable uses of Federal funds paid to public providers, the appropriate methodologies States can use to bill the Federal Government for graduate medical education, the appropriate use of rehabilitation services by States, and the appropriate billing methodologies for school-based administration, school-based transportation, and case management services, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4170. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. KYL, Mr. MCCONNELL, and Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 3, line 11, decrease the amount by $949,000,000.
On page 3, line 12, decrease the amount by $3,215,000,000.
On page 3, line 13, decrease the amount by $93,791,000,000.
On page 3, line 14, decrease the amount by $127,024,000,000.
On page 3, line 15, decrease the amount by $151,137,000,000.
On page 3, line 20, decrease the amount by $949,000,000.
On page 3, line 21, decrease the amount by $3,215,000,000.
On page 3, line 22, decrease the amount by $93,791,000,000.
On page 3, line 23, decrease the amount by $127,024,000,000.
On page 3, line 24, decrease the amount by $151,137,000,000.
On page 4, line 5, increase the amount by $18,000,000.
On page 4, line 6, increase the amount by $110,000,000.
On page 4, line 7, increase the amount by $2,487,000,000.
On page 4, line 8, increase the amount by $8,005,000,000.
On page 4, line 9, increase the amount by $15,207,000,000.
On page 4, line 14, increase the amount by $18,000,000.
On page 4, line 15, increase the amount by $110,000,000.
On page 4, line 16, increase the amount by $2,487,000,000
On page 4, line 17, increase the amount by $8,005,000,000.
On page 4, line 18, increase the amount by $15,207,000,000.
On page 4, line 23, increase the amount by $967,000,000.
On page 4, line 24, increase the amount by $3,325,000,000.
On page 4, line 25, increase the amount by $96,278,000,000.
On page 5, line 1, increase the amount by $135,079,000,000.
On page 5, line 2, increase the amount by $166,344,000,000.
On page 5, line 8, increase the amount by $1,214,000,000.
On page 5, line 9, increase the amount by $4,539,000,000.
On page 5, line 10, increase the amount by $100,817,000,000.
On page 5, line 11, increase the amount by $235,846,000,000.
On page 5, line 12, increase the amount by $402,190,000,000.
On page 5, line 16, increase the amount by $1,214,000,000.
On page 5, line 17, increase the amount by $4,539,000,000.
On page 5, line 18, increase the amount by $100,817,000,000.
On page 5, line 19, increase the amount by $235,846,000,000.
On page 5, line 20, increase the amount by $402,190,000,000.
On page 26, line 16, increase the amount by $18,000,000.
On page 26, line 17, increase the amount by $18,000,000.
On page 26, line 20, increase the amount by $110,000,000.
On page 26, line 21, increase the amount by $110,000,000.
On page 26, line 24, increase the amount by $2,487,000,000.
On page 26, line 25, increase the amount by $2,487,000,000.
On page 27, line 3, increase the amount by $8,005,000,000.
On page 27, line 4, increase the amount by $8,005,000,000.
On page 27, line 7, increase the amount by $15,207,000,000.
On page 27, line 8, increase the amount by $15,207,000,000.

SA 4171. Mr. CASEY (for himself, Mr. DURBIN, Mr. BROWN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes up to $1,500,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4172. Mr. CASEY (for himself, Mr. SESSIONS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 58, line 23, strike ''family members;'' and insert ''family members; or

(4) providing for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated;

SA 4173. Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. KENNEDY, Mr. DOMENICI, Ms. MIKULSKI, Mr. ENSIGN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 a including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table, as follows:

On page 11, line 13, increase the amount by $600,000,000.

On page 11, line 14, increase the amount by $306,000,000.

On page 11, line 18, increase the amount by $210,000,000.

On page 11, line 22, increase the amount by $60,000,000.

On page 12, line 1, increase the amount by $12,000,000.

On page 12, line 5, increase the amount by $12,000,000.

On page 27, line 16, decrease the amount by $600,000,000.

On page 27, line 17, decrease the amount by $306,000,000.

On page 27, line 21, decrease the amount by $210,000,000.

On page 27, line 25, decrease the amount by $60,000,000.

On page 28, line 4, decrease the amount by $12,000,000.

On page 28, line 8, decrease the amount by $12,000,000.

SA 4174. Mr. GRASSLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING OVERSEAS CONTRACTING INTEGRITY REQUIREMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Overseas contracts pose a significant potential for fraud and abuse.

(2) Fraud against the Federal Government, whether it occurs domestically or abroad, should be detected and prosecuted to the fullest extent of the law.

(3) On May 23, 2007, the Department of Justice requested amendments to the Federal Acquisition Regulation (referred to in this section as ''FAR'') that would require Federal Government contractors to—

(A) have a code of ethics and business conduct;

(B) establish and maintain specific internal controls to detect and prevent improper conduct in connection with the award or performance of Federal Government contracts or subcontracts; and

(C) notify contracting officers without delay whenever the contractor had become aware of violations of Federal criminal law with regards to such contracts or subcontracts.

(4) The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration issued a Federal Acquisition Regulation entitled, ''Contractor Compliance Program and Integrity Reporting'' (FAR Case 2007-006), on November 14, 2007.

(5) The rule proposed in the regulation issued on November 14, 2007, included a loophole that would exempt from such regulation any contract or subcontract to be performed entirely outside the United States.

(6) The Department of Justice objected to the inclusion of such new loophole in a letter to the General Services Administration dated January 14, 2008.

(7) The proposed rule is currently under review by the Office of Management and Budget and continues to include such new loophole for overseas contracts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Federal Government contracts to be performed outside the United States should be subject to ethics, control, and reporting requirements that are the same, or at least as rigorous as those for contracts to be performed domestically; and

(2) any final rulemaking related to FAR Case 2007-006 should not exempt overseas contracts.

SA 4175. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR DISPOSAL OF PROPERTY NOT MEETING FEDERAL NEEDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that results in the disposal of property (as defined under section 102(9) of title 40, United States Code) that is not meeting Federal Government needs and uses any profits or savings realized to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4176. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4177. Mr. BROWN (for Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. CORNYN, Mr. SPECTER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2516, to assist members of the Armed Forces in obtaining United states citizenship, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kendell Frederick Citizenship Assistance Act''.

SEC. 2. FINGERPRINTS AND OTHER BIOMETRIC INFORMATION FOR MEMBERS OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act of 1974''), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

(1) the individual may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440);

(2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;

(3) the individual—

(A) submitted an application for naturalization not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; or

(B) provided the required biometric information to the Department of Homeland Security through a United States Citizenship and Immigration Services Application Support Center at the time of the individual's application for adjustment of status if filed not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; and

(4) the Secretary of Homeland Security determines that the biometric information provided, including fingerprints, is sufficient to conduct the required background and security checks needed for the applicant's naturalization application.

(b) MORE TIMELY AND EFFECTIVE ADJUDICATION.—Nothing in this section precludes an individual described in subsection (a) from submitting a new set of biometric information, including fingerprints, to the Secretary of Homeland Security with an application for naturalization. If the Secretary determines that submitting a new set of biometric information, including fingerprints, would result in more timely and effective adjudication of the individual's naturalization application, the Secretary shall—

(1) inform the individual of such determination; and

(2) provide the individual with a description of how to submit such biometric information, including fingerprints.

(c) COOPERATION.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall determine the format of biometric information, including fingerprints, acceptable for usage under subsection (a). The Secretary of Defense, or any other official having custody of the biometric information, including fingerprints, referred to in subsection (a), shall—

(1) make such prints available, without charge, to the Secretary of Homeland Security for the purpose described in subsection (a); and

(2) otherwise cooperate with the Secretary of Homeland Security to facilitate the processing of applications for naturalization under subsection (a).

(d) ELECTRONIC TRANSMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense and the Director of the Federal Bureau of Investigation, implement procedures that will ensure the rapid electronic transmission of biometric information, including fingerprints, from existing repositories of such information needed for military personnel applying for naturalization as described in subsection (a) and that will safeguard privacy and civil liberties.

(e) CENTRALIZATION AND EXPEDITED PROCESSING.—

(1) CENTRALIZATION.—The Secretary of Homeland Security shall centralize the data processing of all applications for naturalization filed by members of the United States Armed Forces on active duty serving abroad.

(2) EXPEDITED PROCESSING.—The Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall take appropriate actions to ensure that applications for naturalization by members of the United States Armed Forces described in paragraph (1), and associated background checks, receive expedited processing and are adjudicated within 180 days of the receipt of responses to all background checks.

SEC. 3. PROVISION OF INFORMATION ON MILITARY NATURALIZATION.

(a) IN GENERAL.—Not later than 30 days after the effective date of any modification to a regulation related to naturalization under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), the Secretary of Homeland Security shall make appropriate updates to the Internet sites maintained by the Secretary to reflect such modification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, not later than 180 days after each effective date described in subsection (a), should make necessary updates to the appropriate application forms of the Department of Homeland Security.

SEC. 4. REPORTS.

(a) ADJUDICATION PROCESS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), including the process that—

(A) begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete; and

(B) ends on the date of the final disposition of such application.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a description of—

(A) the methods used by the Secretary of Homeland Security and the Secretary of Defense to prepare, handle, and adjudicate such applications;

(B) the effectiveness of the chain of authority, supervision, and training of employees of the Federal Government or of other entities, including contract employees, who have any role in such process or adjudication; and

(C) the ability of the Secretary of Homeland Security and the Secretary of Defense to use technology to facilitate or accomplish any aspect of such process or adjudication and to safeguard privacy and civil liberties

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States and the Inspector General of the Department of Homeland Security shall conduct a study on the implementation of this Act by the Secretary of Homeland Security and the Secretary of Defense, including an assessment of any technology that may be used to improve the efficiency of the naturalization process for members of the United States Armed Forces and an assessment of the impact of this Act on privacy and civil liberties.

(2) REPORT.—Not later than 180 days after the date on which the Secretary of Homeland Security submits the report required under subsection (a), the Comptroller General and the Inspector General shall submit a report to the appropriate congressional committees on the study required by paragraph (1) that includes recommendations for improving the implementation of this Act.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

SA 4178. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 25, line 16, increase the amount by $703,000,000.

On page 25, line 17, increase the amount by $387,000,000.

On page 25, line 21, increase the amount by $316,000,000.

On page 27, line 16, decrease the amount by $703,000,000.

On page 27, line 17, decrease the amount by $387,000,000.

On page 27, line 21, decrease the amount by $316,000,000.

SA 4179. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 58, line 17, insert ''(including specially adapted housing grants)'' after ''disability benefits''.

SA 4180. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 9, line 13, increase the amount by $65,000,000.

On page 9, line 14, increase the amount by $32,000,000.

On page 9, line 18, increase the amount by $26,000,000.

On page 9, line 22, increase the amount by $5,000,000.

On page 27, line 16, decrease the amount by $65,000,000.

On page 27, line 17, decrease the amount by $32,000,000.

On page 27, line 21, decrease the amount by $26,000,000.

On page 27, line 25, decrease the amount by $5,000,000.

SA 4181. Mr. PRYOR (for himself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of Title III, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4182. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

After ''data'' on page 64, line 6, strike '','' and add the following:

''and activities by the Department of Health and Human Services to foster the use of electronic health record data at Community Health Centers,''

SA 4183. Mr. PRYOR (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him

to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

At the end of Sec. 302, insert the following:

(b) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4184. Mr. PRYOR (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE ADOPTION AND DEPLOYMENT OF BROADBAND TECHNOLOGY.

It is the sense of the Senate that—

(1) sufficient resources should be provided for Federal agencies to exploit broadband technologies that—

(A) have the capability to electronically connect all Americans; and

(B) achieve greater applications and efficiencies for the economy, health care, public safety, and education;

(2) the United States Government should assess broadband deployment and adoption rates throughout the Nation to ensure that Federal initiatives are not redundant and are applicable to 21st Century requirements;

(3) the deployment and adoption of broadband technology has resulted in—

(A) enhanced economic development and public safety for communities across the Nation;

(B) improved health care and educational opportunities; and

(C) a better quality of life for all Americans;

(4) continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth;

(5) improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation;

(6) the Federal Government should—

(A) recognize and encourage complementary efforts by States to improve the quality and usefulness of broadband data; and

(B) encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation; and

(7) Federal broadband policies shall—

(A) continue to promote openness, competition, innovation, and affordable, ubiquitous broadband service for all individuals in the United States; and

(B) maintain the freedom to use for lawful purposes broadband networks without unreasonable interference from, or discrimination by, network operators.

SA 4185. Mr. PRYOR (for himself, Mr. DORGAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 56, line 12, after ''transit'' insert '', broadband technology,''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. STABELOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 11, 2008, at 9:30 a.m., in open session to receive testimony on the United States Pacific Command and United States Forces Korea in review of the Defense Authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 11, 2008, at 10 a.m., in order to conduct a hearing entitled the ''Condition of Our Nation's Infrastructure and Proposals For Needed Improvements.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. 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 March 11, 2008, at 10 a.m., room 253 of the Russell Senate Office Building, in order to conduct a hearing.

At this hearing, the subcommittee will explore the importance of basic research to U.S. competitiveness. The hearing will examine research and development budgets at agencies in the Committee's jurisdiction, particularly the National Institute of Standards and Technology and the National Science Foundation, as well as interagency science programs addressing climate change, nanotechnology, and information technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. 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, March 11, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

At this hearing, the Committee will conduct an oversight hearing on the Department of Transportation's current Cross-Border Truck Pilot Program. This pilot program, administered by the Federal Motor Carrier Safety Administration, provides temporary operating authority to a limited number of motor carriers domiciled in Mexico and the United States for cross-border commercial operation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. STABENOW. 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, March 11, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, ''Examining the President's Proposed Fiscal Year 2009 Budget for the Civil Works Program of the U.S. Army Corps of Engineers and the Implementation of the Water Resources Development Act (WRDA) of 2007''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 11, 2008, at 10:15 a.m. in order to hold a hearing on U.S. policy options on the Horn of Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 11, 2008, at 2:30 p.m. in order hold a hearing on NATO enlargement and effectiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''The Broken Pipeline: Losing Opportunities in the Life Sciences'' on Tuesday, March 11, 2008. The hearing will commence at 11 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorization to meet during the session of

the Senate, in order to conduct a hearing on pending executive nominations on Tuesday, March 11, 2008, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building.

Witness list

Grace C. Becker, of New York, to be Assistant Attorney General for the Civil Rights Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, March 11, 2008 in order to conduct an oversight hearing entitled ''VA and DoD Cooperation and Collaboration: Caring for the Families of Wounded Warriors.'' The Committee will meet in room 418 of the Russell Senate Office Building, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 11, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns be allowed the privilege of the floor during consideration of the budget resolution: Arkaprava Deb, Ben Miller, Blake Thompson, Bridget Mallon, Bruce Ferguson, Cascade Tuholske, Claudia Garcia-Martinez, Connie Cookson, Damian Kudelka, Elise Anderson, Elise Stein, Emily Schwartz, Emma Redfoot, Ezana Teferra, Hy Hinojosa, Kayleigh Brown, Lily Alverson, Marissa Reeves, Mary Baker, Michael Bagel, Mike Yarnell, Mollie Lane, Ron Gebhausbauer, Stacy Celinsky, Susan Hinck, Suzanne Payne, Tamara Clay, Tom Louthan, and Tyler Gamble.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Jeffrey Phan, a fellow in Senator BINGAMAN's office, be granted the privileges of the floor for the pendency of S. Con. Res. 70, the budget resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPRESSING THE SYMPATHY OF THE SENATE TO FAMILIES OF WOMEN AND GIRLS MURDERED IN GUATEMALA

On Monday, March 10, 2008, the Senate passed S. Res. 178, as amended, with its preamble, as amended, as follows:

S. RES. 178

Whereas since 2001, more than 2,000 women and girls have been murdered in Guatemala;

Whereas most of the victims are women ranging in age from 18 to 30, with many of the cases involving abduction, sexual violence, or brutal mutilation;

Whereas while the overall murder rate in Guatemala has increased substantially, the rate at which women have been murdered in Guatemala has increased at an alarming rate, almost doubling from 2001 to 2006;

Whereas according to data from Guatemala's Public Prosecutors Office, few arrests and fewer convictions have occurred, and prosecutors, forensics experts, and other state justice officials have not brought the perpetrators to justice;

Whereas from 2001 to 2006, there were only 20 convictions for the murders of women and girls;

Whereas the Human Rights Ombudsman of the Government of Guatemala has reported that in 1 year alone police officers were implicated on 10 separate occasions in the murder of women in Guatemala, and recommended that such officers and other officials be held accountable for their acts;

Whereas an effective, transparent, and impartial judicial system is key to the administration of justice, and the failure to ensure proper investigations and prosecutions hampers the ability to solve crimes and punish perpetrators;

Whereas inadequate financial, human, and technical resources, as well as a lack of forensic and technical expertise, have impeded the arrest and prosecution of suspects;

Whereas the Special Prosecutor for Crimes Against Women of the Government of Guatemala has reported that her office has reviewed approximately 800 incidents of domestic violence per month, with some of those cases ending in murder, and that deaths could have been prevented if the legal system of Guatemala provided for prison sentences in cases of domestic violence;

Whereas the murders of women and girls in Guatemala have brought pain to the families and friends of the victims as they struggle to cope with the loss of their loved ones and the fact that the perpetrators of these heinous acts remain unknown to the proper authorities;

Whereas many countries in Latin America face significant challenges in combating violence against women, and international cooperation is essential in addressing this serious issue;

Whereas the United States Agency for International Development (USAID) has provided assistance to the Government of Guatemala to implement judicial reform and rule of law programs, and in fiscal year 2006, Congress provided $1,500,000 for programs to combat impunity, corruption, and crimes of violence, of which $500,000 is to be allocated to strengthen the special prosecutorial units charged with investigating the murders of women in Guatemala;

Whereas the Government of Guatemala has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, done at Belem do Para, Brazil June 9, 1994, and other international human rights treaties, and the enactment of laws and the creation of state institutions to promote and protect the rights of women;

Whereas the Government of Guatemala has created special police and prosecutorial units to address the brutal murders of women in Guatemala;

Whereas in June 2006, the Government of Guatemala successfully abolished the ''Rape Law'' which had absolved perpetrators of criminal responsibility for rape and certain other crimes of violence upon the perpetrator's marriage with the victim;

Whereas legislators from various parties in Guatemala have joined lawmakers from Mexico and Spain to form the ''Interparliamentary Network against 'Femicide' '';

Whereas the Government of Guatemala and the United Nations recently entered into an agreement to establish the International Commission Against Impunity in Guatemala (CICIG), which has a mandate to investigate and promote the prosecution of illegal security groups and clandestine security organizations that function with impunity and are suspected of attacking human rights defenders, justice officials, and other civil society actors; and

Whereas continuing impunity for crimes against women is a threat to the rule of law, democracy, and stability in Guatemala: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sincerest condolences and deepest sympathy to the families of women and girls murdered in Guatemala, and recognizes their courageous struggle in seeking justice for the victims;

(2) expresses the solidarity of the people of the United States with the people of Guatemala in the face of these tragic and senseless acts;

(3) condemns the ongoing murders of women and girls in Guatemala, and encourages the Government of Guatemala to act with due diligence in order to promptly investigate these killings, prosecute those responsible, and continue to work toward eliminating violence against women;

(4) urges the Government of Guatemala to strengthen laws with respect to domestic violence and sexual harassment, to improve the integrity of the prosecutorial and judicial systems, and to provide the resources and commitment necessary to adequately enforce justice for crimes against women;

(5) urges the President and the Secretary of State to continue to incorporate the investigative and preventative efforts of the Government of Guatemala regarding the murder of women and girls into the bilateral agenda between the Governments of Guatemala and the United States;

(6) encourages the Secretary of State to continue to support efforts by the Government of Guatemala to train and equip the special police and prosecutorial units of the Government of Guatemala to conduct thorough and proper investigations of crimes of violence against women, and to implement judicial reform and rule of law programs;

(7) encourages the Secretary of State and the Attorney General to provide assistance in establishing a comprehensive missing persons system and an effective state protection program for witnesses, victims' relatives, and human rights defenders;

(8) urges the Government of Guatemala to hold accountable those law enforcement and judicial officials whose failure to investigate and prosecute the murders adequately, whether through negligence, omission, or abuse, has led to impunity for these crimes;

(9) encourages the Secretary of State to support efforts to identify perpetrators and unknown victims through forensic analysis, including assisting the Government of Guatemala in adequately funding the National

Institute for Forensic Science (INACIF) and training lab personnel in investigatory and evidence gathering protocols;

(10) urges the Secretary of State—

(A) to express support for the efforts of the victims' families and loved ones to seek justice for the victims,

(B) to express concern relating to any harassment of these families and the human rights defenders with whom they work, and

(C) to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(11) encourages the Secretary of State to continue to include in the Department of State's annual Country Reports on Human Rights Practices instances of failure to investigate and prosecute crimes, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of women and girls in Guatemala;

(12) recommends that the United States Ambassador to Guatemala continue to meet with the families of the victims, women's rights organizations, and the officials of the Government of Guatemala who are responsible for investigating these crimes; and

(13) recommends that the Secretary of State develop a comprehensive plan to address and combat the growing problem of violence against women in Latin America.

KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2516 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2516) to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I appreciate Senator MIKULSKI's commitment to helping those dedicated men and women who are not yet U.S. citizens but who have served all Americans as members of the Armed Forces. Easing the path to citizenship by removing duplicative procedures for these dedicated men and women is the right thing to do, and I am glad to support Senator MIKULSKI's efforts.

However, I also wish to note my concern with inclusion of language in the bill, at the administration's behest, that appears to anticipate a future expansion of the collection of biometric information from individuals who seek to become naturalized citizens or who seek other immigration benefits. In light of the purpose of Senator MIKULSKI's bill, which is to streamline the naturalization procedures for legal permanent residents serving in the military, it would make little sense to place additional obstacles in the path of those who have made the ultimate commitment to the United States.

I also register this concern to make clear that the language in this bill with respect to biometric information should in no way be misconstrued as authority for the administration to unilaterally expand the type of biometric information beyond what is currently required to obtain immigration benefits from the U.S. government. Federal immigration law is the province of the Congress, and Congress retains the sole power to determine the extent of rulemaking authority afforded to Federal immigration agencies. The involvement of Congress in these decisions is crucial to ensure that the procedures by which we admit or deny individuals entry to the United States take into account the interests of privacy, and are faithful to the welcoming traditions by which our nation has prospered. Only Congress can provide the deliberative, democratic process necessary to ensure that any future requirements are consistent with American values.

We all recognize the need for robust security at our borders. But over the last 7 years, the reputation of the United States as a welcoming nation has been diminished as a result of often misguided policies that take a reactionary, blunt, and hostile approach to immigration. The administration has met its failure to enact meaningful immigration reform with layer upon layer of security initiatives that in some cases do little more than foreclose the promise of our great Nation for so many who seek opportunity, advancement, or refuge. America's security now and in the future demands more than border walls and punitive, enforcement-only immigration policies. Our future security, as well as our future prosperity, depends upon the balance that has been absent for so long.

Mr. BROWN. I ask unanimous consent that the Mikulski substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid on the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4177) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kendell Frederick Citizenship Assistance Act''.

SEC. 2. FINGERPRINTS AND OTHER BIOMETRIC INFORMATION FOR MEMBERS OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act of 1974''), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

(1) the individual may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440);

(2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;

(3) the individual—

(A) submitted an application for naturalization not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; or

(B) provided the required biometric information to the Department of Homeland Security through a United States Citizenship and Immigration Services Application Support Center at the time of the individual's application for adjustment of status if filed not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; and

(4) the Secretary of Homeland Security determines that the biometric information provided, including fingerprints, is sufficient to conduct the required background and security checks needed for the applicant's naturalization application.

(b) MORE TIMELY AND EFFECTIVE ADJUDICATION.—Nothing in this section precludes an individual described in subsection (a) from submitting a new set of biometric information, including fingerprints, to the Secretary of Homeland Security with an application for naturalization. If the Secretary determines that submitting a new set of biometric information, including fingerprints, would result in more timely and effective adjudication of the individual's naturalization application, the Secretary shall—

(1) inform the individual of such determination; and

(2) provide the individual with a description of how to submit such biometric information, including fingerprints.

(c) COOPERATION.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall determine the format of biometric information, including fingerprints, acceptable for usage under subsection (a). The Secretary of Defense, or any other official having custody of the biometric information, including fingerprints, referred to in subsection (a), shall—

(1) make such prints available, without charge, to the Secretary of Homeland Security for the purpose described in subsection (a); and

(2) otherwise cooperate with the Secretary of Homeland Security to facilitate the processing of applications for naturalization under subsection (a).

(d) ELECTRONIC TRANSMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense and the Director of the Federal Bureau of Investigation, implement procedures that will ensure the rapid electronic transmission of biometric information, including fingerprints, from existing repositories of such information needed for military personnel applying for naturalization as described in subsection (a) and that will safeguard privacy and civil liberties.

(e) CENTRALIZATION AND EXPEDITED PROCESSING.—

(1) CENTRALIZATION.—The Secretary of Homeland Security shall centralize the data processing of all applications for naturalization filed by members of the United States Armed Forces on active duty serving abroad.

(2) EXPEDITED PROCESSING.—The Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall take appropriate actions to ensure that applications for naturalization by members of the United States Armed Forces described in paragraph

(1), and associated background checks, receive expedited processing and are adjudicated within 180 days of the receipt of responses to all background checks.

SEC. 3. PROVISION OF INFORMATION ON MILITARY NATURALIZATION.

(a) IN GENERAL.—Not later than 30 days after the effective date of any modification to a regulation related to naturalization under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), the Secretary of Homeland Security shall make appropriate updates to the Internet sites maintained by the Secretary to reflect such modification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, not later than 180 days after each effective date described in subsection (a), should make necessary updates to the appropriate application forms of the Department of Homeland Security.

SEC. 4. REPORTS.

(a) ADJUDICATION PROCESS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), including the process that—

(A) begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete; and

(B) ends on the date of the final disposition of such application.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a description of—

(A) the methods used by the Secretary of Homeland Security and the Secretary of Defense to prepare, handle, and adjudicate such applications;

(B) the effectiveness of the chain of authority, supervision, and training of employees of the Federal Government or of other entities, including contract employees, who have any role in such process or adjudication; and

(C) the ability of the Secretary of Homeland Security and the Secretary of Defense to use technology to facilitate or accomplish any aspect of such process or adjudication and to safeguard privacy and civil liberties

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States and the Inspector General of the Department of Homeland Security shall conduct a study on the implementation of this Act by the Secretary of Homeland Security and the Secretary of Defense, including an assessment of any technology that may be used to improve the efficiency of the naturalization process for members of the United States Armed Forces and an assessment of the impact of this Act on privacy and civil liberties.

(2) REPORT.—Not later than 180 days after the date on which the Secretary of Homeland Security submits the report required under subsection (a), the Comptroller General and the Inspector General shall submit a report to the appropriate congressional committees on the study required by paragraph (1) that includes recommendations for improving the implementation of this Act.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

The bill (S. 2516), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 390 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 390) designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 390

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas the memorialization and celebration of the decedent's life is the fabric of today's funeral service;

Whereas the family of the decedent has traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of a meaningful funeral ceremony;

Whereas funeral directors and morticians have dedicated their professional lives to serving the families of their communities in their times of need for generations with caring, compassion, and integrity;

Whereas these special men and women see their chosen profession as a higher calling, a sacred trust, in serving every family regardless of social standing, financial means, or time of day or day of the year, whenever a death occurs; and

Whereas on this special day, March 11, 2008, it would be appropriate to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation's families in their times of sadness and grief and help families mourn a death and celebrate a life: Now, therefore, be it

Resolved, That the Senate—

(1) takes this opportunity to pay the Nation's collective debt of gratitude for all the hours and all the times they have put someone ahead of themselves by serving the living while caring for the dead;

(2) urges every American of every walk of life to embrace each of these special individuals with heartfelt thanks for their dedication to their profession; and

(3) designates March 11, 2008, as ''National Funeral Director and Mortician Recognition Day''.

SECOND ANNUAL NATIONAL NATIVE HIV/AIDS AWARENESS DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 479, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 479) designating March 20, 2008, as ''Second Annual National Native HIV/AIDS Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 479) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 479

Whereas the number of human immunodeficiency virus and acquired immunodeficiency syndrome (hereafter ''HIV/AIDS'') cases among American Indian and Alaska Native communities has been increasing at an alarming rate and poses a significant threat to the public health of Native communities;

Whereas American Indians and Alaska Natives have the 3rd highest rate of HIV/AIDS infection in the United States, after Blacks and Hispanics;

Whereas, according to the Centers for Disease Control and Prevention HIV/AIDS Surveillance Report published in 2005, the rate per 100,000 persons of HIV/AIDS diagnosis for American Indians and Alaska Natives was 10.4;

Whereas American Indians and Alaska Natives experience the highest disease and mortality rates in the United States compared to other racial and ethnic groups, due to socioeconomic factors that include consistently high rates of poverty, inadequate education, and a lack of access to quality health services;

Whereas certain risk factors exist among Indian and Alaska Native populations that elevate the threat of the HIV/AIDS epidemic, including high rates of sexually transmitted diseases and substance abuse;

Whereas, according to the 2005 Centers for Disease Control and Prevention Sexually Transmitted Disease Surveillance Report, American Indians and Alaska Natives have the 2nd highest infection rates of gonorrhea and chlamydia in the United States and the 3rd highest infection rate of syphilis;

Whereas, according to the 2005 National Survey on Drug Use and Health, American Indians and Alaska Natives had a 12.8 percent higher rate of illicit drug use than any other races or ethnicities;

Whereas, during the years 1997–2004, of persons who had received a diagnosis of HIV/AIDS, American Indians and Alaska Natives had survived a shorter time than had Asians and Pacific Islanders, Whites, or Hispanics;

Whereas, after 9 years, 67 percent of American Indians and Alaska Natives who had been diagnosed with HIV/AIDS were alive, compared to 66 percent of Blacks, 74 percent of Hispanics, 75 percent of Whites, and 81 percent of Asians and Pacific Islanders;

Whereas, from 2001 through 2004, the estimated number of HIV/AIDS cases increased among Whites, Asians and Pacific Islanders, and American Indians and Alaska Natives, and decreased among Blacks and Hispanics; and

Whereas, from 2000 through 2004, the estimated number of deaths among persons with AIDS decreased among Whites, Blacks, and Asians and Pacific Islanders, but increased among American Indians and Alaska Natives: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the seriousness of the spread and threat of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS) epidemic in American Indian and Alaska Native communities;

(2) encourages Federal, State, and tribal governments as well as Indian organizations and health care providers to coordinate efforts in HIV/AIDS testing and in the promotion of prevention activities to further efforts in the reduction of HIV/AIDS infection rates among American Indians and Alaska Natives; and

(3) designates March 20, 2008, as ''Second Annual National Native HIV/AIDS Awareness Day''.

PERMITTING THE USE OF THE ROTUNDA

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 306 received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 306) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. 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 (H. Con. Res. 306) was agreed to.

ORDERS FOR WEDNESDAY, MARCH 12, 2008

Mr. BROWN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, March 12; 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 be reserved for their use later in the day and that the Senate then resume consideration of H. Con. Res. 70, the concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Tomorrow, the Senate will resume debate on the budget resolution. Senator BINGAMAN is expected to be here to offer the next amendment.

ORDER OF PROCEDURE

Mr. BROWN. I ask unanimous consent that all time during this period of morning business be charged equally against each side on the resolution and that morning business now be closed and that the Senate resume consideration of the budget resolution, and following the remarks of Senator COBURN, who was generous with his time this evening, and I am grateful for that, and the remarks of Senator SANDERS, that the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO CORRECT THE ENROLLMENT OF H.R. 1593

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 270 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 270) to make corrections in the enrollment of the bill H.R. 1593.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 270) was agreed to.

SECOND CHANCE ACT OF 2007

Mr. BROWN. I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 1593 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. 1593) to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I was pleased to join Senators SPECTER, BIDEN, and BROWNBACK last year as an original cosponsor of S. 1060, the Recidivism Reduction and Second Chance Act, and to help to shepherd that legislation through the Senate Judiciary Committee. I am pleased that now our hard work will finally enable us to take up and pass the House version of the legislation, which represents significant work and compromise on the part of the bill's Senate sponsors as well as those in the House, in order to move this important bill one step closer to becoming law.

Over the past several years that we have been working on this bill, I and others have had to make many painful compromises in order to ensure that this important bill could receive the support it needs to pass and become law. In spite of these sacrifices, the Second Chance Act is a good first step toward a new direction in criminal justice that focuses on making America safer by helping prisoners turn their lives around and become contributing members of society.

In recent years, this Congress and the States have passed a myriad of new criminal laws creating more and longer sentences for more and more crimes. As a result, this country sends more and more people to prison every year. There are currently more than 2 million people in jail or prison, and there are more than 13 million people who spend some time in jail or prison each year. Most of these people will at some point return to our communities. What kind of experience inmates have in prison, how we prepare them to rejoin society, and how we integrate them into the broader community when they get out are issues that profoundly affect the communities in which we live.

As a former prosecutor, I believe strongly in securing tough and appropriate prison sentences for people who break our laws. But it is also important that we do everything we can to ensure that when these people get out of prison, they enter our communities as productive members of society, so we can start to reverse the dangerous cycles of recidivism and violence. I hope that the Second Chance Act will help us begin to break that cycle.

The Second Chance Act would fund collaborations between State and local corrections agencies, nonprofits, educational institutions, service providers, and families to ensure that offenders released into society have the resources and support they need to become contributing members of the community. The bill would require that the programs supported by these grants demonstrate measurable positive results, including a reduction in recidivism. We should be supporting good programs and demanding results for our federal tax dollars.

The bill would also set up a task force to determine ways to improve the effectiveness and efficiency of federal programs related to prisoner reentry and would authorize additional programs that would encourage employment of released prisoners, improve

substance abuse treatment programs for prisoners, and assist the children of prisoners.

I thank Senator BIDEN, Senator SPECTER, and Senator BROWNBACK for consistently working with me to make a good bill even better. They accepted my suggestion to fix a provision that would have made it difficult for States without large urban areas to obtain grants. They also agreed with me that it made sense for victim services agencies to have a role in administering grants, for victims' needs to be specifically addressed by grants authorized by the bill, and for safeguards to be added to provisions aiming to integrate families of offenders in order to ensure that children are protected.

They also worked with me to include in the Senate's legislation an important study of the collateral consequences of criminal convictions federally and in the States, which would encourage appropriate policy to help successfully reintegrate released offenders into society. I am disappointed that partisan and unprincipled objections prevented this study, which is very important but in no way provocative, from being a part of the final bill. I am glad to report, though, that this important study was passed into law in December as part of the Court Security Improvement Act of 2007. I am similarly glad that we are moving now to pass the best version of the Second Chance Act that we can.

I thank the Vermont Department of Corrections and the Vermont Center for Crime Victim Services for helping me to identify important improvements and to make this bill better for the people of Vermont and the people of America. The Vermont Department of Corrections and many others in Vermont strongly support the Second Chance Act, which gives me confidence that this legislation we pass today represents an important step in making our country safer.

Mr. BROWN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1593) was ordered to be read a third time, was read the third time, and passed.

Mr. BROWNBACK. Mr. President, Today, I rise to congratulate my colleagues on the passage of the Second Chance Act, a bill that we have been working on for over 4 years. I am pleased to join with Senators BIDEN and SPECTER and Chairman LEAHY in supporting the passage of this bill. I, like my colleagues, have worked long and hard on this bipartisan legislation that is supported by over 200 bicameral and bipartisan organizations.

I truly believe that with this bill, we have an incredible opportunity to reshape the way in which our Nation fights crime, addresses poverty, and provides for safer communities. Indeed, we have all seen the statistic. Over 650,000 individuals will be released from our Federal and State prisons, and 9 million are released from jails. Approximately two out of every three individuals released from prison or jail commit more crimes and will be rearrested within 3 years of release, placing increasing financial burdens on our States and decreasing public safety.

This is unacceptable and must be addressed. Recidivism is costly, in both personal and financial terms. Consider: the American taxpayers spent approximately $9 billion per year on corrections in 1982, and in 2002—nearly two decades later—taxpayers spent $60 billion.

In addition to the astronomical costs of recidivism, the Nation's prison population is projected to continue to grow over the next 5 years by an additional 13 percent. According to ''Public Safety, Public Spending: Forecasting America's Prison Population 2007—2017'', State and Federal prison populations are expected to add approximately 192,000 persons at a cost of $27.5 billion between 2007 and 2011.

If that is not astonishing enough, State spending on corrections has risen faster over 20 years than spending on nearly any other State budget item—increasing from $9 billion to $41 billion a year. The average annual operating cost per State inmate in 2001 was $22,650, or $62.05 per day. Among facilities operated by the Federal Bureau of Prisons, it was $22,632 per inmate, or $62.01 per day. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

Despite that fact that taxpayers went from spending $9 billion per year on corrections in 1982 to $60 billion two decades later, the failure rate of our prison system has not improved over the last 30 years.

However, my concerns with our correctional system do not stop here. Not only do we need to ensure that our communities are safer, that the money spent on corrections result in drastically lower recidivism rates, but we must also look at the cost to the children of incarcerated individuals. A recent study found that children of prisoners are five times as likely to be incarcerated later in life as a child who has not had a parent incarcerated. Fifty-five percent of prisoners have children under the age of 18 and, tragically, more than 7 million children can claim a parent in prison, in jail, under parole, or under probation supervision.

Additionally, some incarcerated parents owe more than $20,000 in child support debt upon their release. Parents play a vital role in the lives of their children—and the role of incarcerated parents is no different. The children of individuals in our prison system often depend upon their incarcerated parent, at least in part, for financial support, and look to that parent for guidance in many aspects of their lives. Failing to address this very important facet of the family structure within the prison population could be contributing to the deterioration of families.

We must stop subsidizing programs that do not work and that lead, in turn, to negative behavior less safety, more crime, and more money wasted.

The Second Chance Act of 2007, coauthored by Senator BIDEN, Ranking Member SPECTER, Chairman LEAHY, and myself, as well as our counterparts in the House of Representatives, is a bill that will address this issue by providing grant money to States through the Department of Justice and the Department of Labor to encourage the creation of innovative programs geared toward improving public safety, decreasing the financial burden on States and successfully reintegrating exoffenders into society.

Additionally, this bill authorizes two grant programs designed to aid nonprofit organizations—faith-based and community based organizations—that provide programs to those incarcerated. As you may know, faith-based programs are very successful in reintegrating offenders into society. A 2002 study found that faith-based prison programs result in a significantly lower rate of re-arrest than vocation-based programs—16 percent versus 36 percent.

A 2003 study on Prison Fellowship Ministries' Texas InnerChange Freedom Initiative, IFI, program found that IFI graduates were 50 percent less likely to be re-arrested. The 2-year postrelease re-arrest rate among IFI postrelease graduates in Texas was 17 percent compared with 35 percent of the matched comparison group. And finally, the study found that IFI graduates were 60 percent less likely to be reincarcerated and the 2-year postrelease reincarceration rate was 8 percent of IFI graduates—8 percent—versus 20.3 percent with the matched comparison group from a nonfaith-based program.

The bill also focuses on systematic changes within the criminal justice system by encouraging more coordination between Government agencies, encourages States, and local governments to reevaluate their current statutes in order to streamline their budgets and provide for more effective transition programs for inmates, which include: education, job training, life and family skills, programs for children of incarcerated parents, as well as substance abuse treatment.

Further, I want my colleagues to know that there are real accountability measures within this bill. If grantees do not show significant progress in reducing the recidivism rates for program participants they will not be eligible to receive further funding under this act.

States have already shown that recidivism rates can be dramatically cut with innovative programs, and I am

proud that my State, Kansas, is a leader in this regard. In Kansas, the Shawnee County Re-Entry Program engages corrections officials and community partners to develop comprehensive reentry plans for people in prison who have been assessed as high-risk for reoffending upon release. In the 12 months prior to release, program participants work closely with case managers to develop their reentry plans. Case managers continue to provide support as needed following release.

The Shawnee community is closely involved in the program as well, serving on accountability panels and as volunteer community connectors. The program also developed a data collection system to enable facility and parole case managers to enter information more easily. The system allows facility staff and case workers to share data with other data systems within other State agencies, and faith and community-based providers. A Web-based data system would also help build the capacity of community and faith-based organizations to track data similar to State data collections methods. In this way, State agencies can more easily compare data and outcomes with information collected by faith and community groups. This is just one example of innovation in addressing the concerns facing our criminal justice system.

Indeed this bill is much needed and will serve as a catalyst for systemic change. This bill could not have happened without the hard work and determination of over 200 organizations, such as Prison Fellowship Ministries, Open Society, the Council of State Governments, and the U.S. Conference of Catholic Bishops, as well as many State and local government correction officials and law enforcement officials—a truly bipartisan/bicameral coalition of partners committed to changing the criminal justice system.

Mr. President, I thank my colleagues, Senators BIDEN and SPECTER, and Chairman LEAHY. Together we were able to implement vital legislation geared to improve public safety, give aid to States, and to truly give those incarcerated a second chance not only to fully integrate into society in a positive way but to provide them with a hope for a positive future not only for themselves but for their families as well.

Mr. BROWN. Mr. President, I yield the floor to my colleague from Oklahoma, Senator COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—Continued

Mr. COBURN. Mr. President, I am going to spend a little while tonight talking about the budget. I have listened to the budget debate all day, just like I did yesterday. I came in yesterday and listened to the debate. I have heard about tax increases and I have heard about spending and I have heard the things going back and forth. But what I did not hear was anything that had to do with this: This is the oath of a Senator. There are some interesting things. Let me read it first:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

The interesting thing about that oath is nowhere in that oath does it mention your State. There was, by design, never any intended part by our Founders that we would place parochialism ahead of our duty to this country. Yet where do we find ourselves today? With $9 trillion, almost $10 trillion, at the end of this fiscal year, in direct debt.

We have heard all sorts of numbers quoted today. The actual number for the obligated unpaid-for liabilities that our next generations will face is actually $79 trillion. It is interesting where that comes from because that comes from the retirement benefits for our service personnel, the retirement benefits for Federal employees, including people who work in this Chamber, Medicare payments, Medicaid payments, all the various trust funds we have set up through the years, such as the Inland Waterway Trust Fund, the trust funds associated with other distinct obligations in terms of infrastructure in this country. We are stealing all that money every year that is supposed to go to it. As a matter of fact, the budget deficit this year will be, in real accounting standards—not Enron accounting standards—$607 billion, of which about $160 billion of that is going to come from Social Security and about another $30 billion to $35 billion from all these other trust funds.

So when you hear a number that comes from Washington, I want us to be very suspect because we are much like the CEO at Enron, Ken Lay. We are not going to send you the real number. It is not because we do not intend to be honest; it is because we have sold out to parochialism.

Now, I want us to think about that for a minute. Later on, I am going to show some examples. I am going to go through $350 billion-plus worth of waste that occurs annually in this country. But how is it that we have $350 billion—by the way, it is not going to be disputable. There is going to be an absolute reference to either a GAO study, a CBO score, a congressional hearing or published reports that are out there. So it is not going to be TOM COBURN's estimate. It is going to be a factual basis of what is occurring in our country.

But how is it we got to the point where Members of Congress—both of the House and of the Senate—have all of a sudden forgotten what their oath is; that, in fact, their primary means is: How do I send more money home to my State? How is it that we have gotten to where we have $79 trillion in unfunded liabilities? We have $10 trillion in true debt, at the end of this fiscal year. We are going to have a $600 billion deficit—real deficit—this year, which we are going to obligate our children to pay for.

I would put forth: We forgot our oath. We forgot what it is about. Our State is not mentioned. When I am parochial for my State, there is no way I can live up to the oath I took when I came into this body. There is no way, if I am parochial for Oklahoma or Ohio, I can possibly make a decision that is in the long-term best interest of the country, when I am thinking about the best interest of my State in the short term.

So, consequently, what came about from that? Well, here is what we saw in terms of earmarks, the growth of earmarks and the growth of Government spending. Isn't it interesting, we have heard all the debate today about tax increases, but nobody, except Senator BROWNBACK, talked about cutting spending. Here we have the earmarks in 2006. In 2007, there were another 11,800 earmarks. So it went to 12,000 earmarks. But the spending continues to rise. There is a correlation between earmarks and spending, and it is this: Earmarks are the gateway drug for overspending.

Let me explain how it works. If I want something for Oklahoma and I submit a request and the appropriators are kind enough to honor that request and I do not vote for the bill, regardless of whether I agree with the bill, the next time another appropriations bill comes up and I have a request, I will not get it. So all of a sudden my earmark blinds me on a parochial basis for what is best for Oklahoma, but I do not do what is best for the country. So you see this trend going up, and it continues to go up. If you had one for debt, you would see that. If you had one for unfunded liabilities, you would see the same thing.

Now, what did our Founders have to say:

> Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated.

This is Thomas Jefferson, the founder of the Democratic Party. This is what he said:

> As it was never meant they should provide for that welfare but by the exercise of the enumerated powers.

Earmarks are not enumerated powers. The only power they are is how we find ways to get ourselves reelected. That is the power they are. Here is the founder of the modern Democratic Party who now chastises us with his words about what earmarks are.

Yet what do we do? We are going to have a vote. We are going to have a vote on this budget on a moratorium on earmarks. I am very thankful to Senator DEMINT for bringing that up.

The argument about earmarks is over everywhere except in Washington. If you look at all the polling data throughout the country, in every State, it does not matter if you are Democrat or Republican or Independent, it is over. They have already decided the issue. Eighty-five percent of the people in this country say we should not be doing it. It does not have anything to do with age. It does not have anything to do with party. Do you know what it has to do with? Those people who are getting them and are well heeled and well connected to politicians, they are the ones who do not want the earmark party to be over. That ought to send a warning signal to the rest of Americans that there is something wrong with this process.

Here is what is wrong with the process:

[T]he principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale.

This is the same bright man who was very involved in the genesis of our country, talking to us from history about what is important on earmarks.

In 1996, there were less than 900 earmarks. How did we go—in 10 short years—from 3,000 to 15,000? What changed? The argument is: We have an obligation not to let the bureaucrats spend the money. Does that mean all the time before this, when they were much lower, we were not doing a good job? Or could it be that all of a sudden the political tool of earmarks became the soup du jour that politicians use to get themselves reelected and collect campaign money by accomplishing those things?

So I wish to spend a little time tonight talking about the unsustainable course we are on. International markets now doubt our ability to pay off our debt. Our AAA credit rating is in jeopardy. The dollar is declining. Medicare has hit a trigger for the first time in its history that signals we are dipping into general revenues at a rate that is unsustainable. By the way, Medicare was never intended to be paid for with funds from general revenue. Do we have a moral obligation as Members of Congress to do what every other family does in tough times and tighten our belts?

So what I am going to try to do tonight is lay out $388 billion worth of things the Congress could do tomorrow that would save us $388 billion.

Now, somebody may dispute the fact that if we totally changed the Tax Code to either a flat tax or a sales tax we might not have a tax gap—the amount that is owed that is not paid—of $350 billion or $370 billion. We may only have one of $270 billion. I will admit that. So you can take an arrow at that. But the rest of it you cannot take an arrow at. All the rest of it is indisputable.

As a matter of fact, we had testimony before the Budget Committee and before the Finance Committee by the IRS that said if, in fact, you funded them properly, they could get between $30 billion and $40 billion of the tax gap back over a period of 5 years. We know for every $1 we give them in terms of enforcement, they get $3 to $4 back.

The problem in our country is overspending and wasteful spending. It is not undertaxation. It is a moral question whether we will ask the American people for more money when, in fact, we are terrible slobs with the way we control and manage the money they have today, where we are wasteful.

The American people would expect us to get rid of fraud, waste, and abuse before we raise their taxes. Calling for higher taxes is akin to saying you want a performance bonus for us. That is what it is saying. It is absurd to claim the Government is operating at peak efficiency and spending cannot be cut anywhere. But yet we do not see it. It is not just the Democratic budgets. It is the Republican budgets. I will give credit to President Bush. At least he has a park program and at least they have brought forward recommendations of getting rid of programs that absolutely are not functioning, absolutely do not come anywhere close to meeting the goals. Because they have special interests, they are protected by individual Senators. Blocking new spending is not about obstructionism. The real obstruction is wasteful spending and not going after the wasteful spending at a time when we are asking Americans, who are tightening their belts, to give more money to the Government. That is the real obstruction.

Looking for new ways to spend money is not our job. Our job is to conduct oversight and eliminate programs that are not working. We are not doing our oversight. As a matter of fact, the CRS did a study on oversight. If we put this sign right up here and we look at oversight hearings, what you will see is: As the earmarks have gone up, oversight has gone down. Do you know why? Because the only thing the Appropriations staff has time to do is to barely get the bill out and then manage all the earmarks. So where is the oversight to see what is working and what is not? It isn't there.

The other assumption with this budget is that we have a blank check—and with Republican budgets, not just the majority's budgets—to spend money however we desire, however we choose. Well, that does not appear in the Constitution. We have totally thrown it away when it comes to spending. We have totally thrown it away under the concept of either the interstate commerce clause or the general welfare clause. We have decided that those do not mean anything, even though the significant Founders of our country believed they did.

So let's go back to the oath. Does the oath mean anything? I will ''defend the Constitution'' is what it says. Oh, that means I will twist it to make sure I can do parochial things that make me look good at home. Is that what it means? Can I fully represent and do what is best for our country when I am worried about doing what is best for my State and me? Which one is the more moral position?

James Madison, the father of our Constitution, was very clear on this point. He said:

With respect to the two words ''general welfare,'' I have always regarded them as qualified by the detail of powers enumerated in the Constitution that are connected with it. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.

In other words, when you are starting to fudge the deal, that is not what we intended, guys. When you are starting to play games with the Constitution, that is not what we intended. And he spoke it in anticipation so that he would be on record. And we would know what his record was about, what they intended about general welfare. The arguments we hear in defense of earmarks would be ridiculed by our Founders after they got over their nausea.

President Reagan criticized the 1987 highway bill because it had 152 earmarks. As a matter of fact, the one before that he vetoed and sent back, and it had even fewer than that. So this isn't an old phenomenon; this is a modern phenomenon. This is something modern that we need to change.

It is interesting that so many in this body seem more interested in adhering to the constitutional scholarship of Jack Abramoff rather than James Madison, much to our detriment. Why do you think we have between an 11 and 22 percent confidence rating from the American people about whether we are doing their business in the best interests of the country, rather than our business?

Another argument I hear often is that we know better than faceless bureaucrats. Yet if we don't like what an agency is doing, we don't have anyone to blame but ourselves. We have the power of the purse and the power of oversight. The problem is we only use the power of the purse to spend, not to restrict. The last time a rescission bill—and for those who don't know what that is, it is a bill that decreases rather than increases spending—went through Congress was 1995.

Overcoming our addiction to earmarks will help us confront the massive waste that is in the Federal budget. We have to do a top-down review of everything in this country if, in fact, we want to hold to the things that are really important, the things that are really worth our sacrifice, which is the next two generations.

Now, it is really interesting that the Government Accounting Office says that every family today is responsible for an unfunded liability of almost a half million dollars. If we think about what that means in terms of carrying that interest, paying your regular taxes and then carrying that—the other thing is if you divide the unfunded liability by the 200 million kids

who are going to come on between now and the next 75 years, what we are talking about is $400,000 per child; $400,000 per individual child who is born starting today and moving forward that we are going to add. Think about carrying the interest. Think about what will happen to them.

Now, let me put up a chart, and we will go through this for a minute. This has $383 billion—actually a more recent chart shows $385 billion—in annual expenditures that are wasted. I would like to spend a minute on that, but let me describe what it is. It is $3,000 for every American household in this country down the drain. It is a full 4-year scholarship for two-thirds of all of the college students in this country. It is enough money to buy a new home for 2 million Americans, based on the average price of a home. It is enough money to get the 2 million Americans who are facing foreclosure out of foreclosure and pay for their entire mortgage. That is what we are wasting in one year. It is enough money to pay for the health care of everybody in this country who is either underinsured or uninsured. All 47 million who are uninsured and the 35 million who are underinsured, we can pay for them, just by getting rid of this waste.

It is more than the gross domestic product of 85 percent of every country on Earth. How much we are wasting through fraud and abuse and waste is greater than 85 percent of the gross domestic product of every country on this Earth. It is more than the gross domestic product of 40 States in our Union. It is enough to meet the one campaign's annual goals to end extreme poverty over the next 10 years, over 10 times not enough. More importantly, it is enough to build 1,500 bridges to nowhere over every river in the world, times 10. That is how much money it is.

So what are the crises that we face? It is important that we put ourselves in the shoes of the typical American family in this time of tightening. What do they do? They reassess. They look for waste. Their debt is fixed. They try not to get additional debt. They try to spend less money. They try to conserve. They try to turn the thermostat down. They try to only drive when they have to drive. They try to buy cheaper foods. They don't buy the things they would like to buy. They buy and spend money only on bare necessities, if they can.

Well, a $607 billion deficit this year, a $10 trillion debt, and a $79 trillion unfunded liability ought to cause us to do the same thing, except we have only heard 1 percent in 2 days of debate talk about eliminating wasteful spending, and that was Senator SAM BROWNBACK from Kansas.

In the short term, we will get through this economic slowdown. Hopefully, energy prices will become more affordable for us. But everybody knows in this body, whether we want to admit it or not, we are approaching the day of reckoning that we would not get through. As David Walker, who is the Comptroller General of the United States, a nonpartisan position, said: We are on an unsustainable course. It is absolutely unsustainable. The question is whether our kids are worth us making the hard choices.

Economists on the left and the right from groups ranging from the Brookings Institute to the Heritage Foundation recognize the course we are on. We hear all the time that the only problems are the mandatory programs: Medicare, Social Security, and Medicaid. I am going to show tonight that it is not the only problem. It is a lot of the problem, there is no question about it. It is not just the demographics of it and the growth. There are a lot of management problems that we fail to address.

Each family's share, which I spoke about a minute ago, of the unfunded liabilities is over $450,000 right now. By 2040—and this is not my number, this is the Government Accounting Office—total Federal spending will have to be cut by 60 percent or we will have to double Federal income tax rates.

Now, we heard Senator HATCH talk about how 50 percent of the country now pays 97 percent of the taxes. What happens when we double our tax rates, or another question is, what happens when we don't have any Government programs except Medicare and Medicaid and Social Security? No military, no Department of Education, no NASA, no NIH, no CDC. All of those are gone in a very few short years. More importantly, in 2012, my generation starts heavily hitting Medicare and Social Security, the first baby boomers. What happens if we don't address that?

We would be wise to remember the words of Will Durant:

> A great civilization is not conquered from without until it has destroyed itself from within.

For the typical family sitting around the dinner table right now across America, the answer is obvious. It is time for some belt tightening. It is time for us to do the hard work of eliminating the duplication of wasteful programs. From their perspective, if they have to tighten their belt, we should too. It is not our money, it is theirs. Yet in this body we don't believe we have to live by the same set of rules. We have demonstrated that by our behavior. We like to pretend that we don't live in the world of credit ratings and scores. We ignore economic realities and look for ways to spend money on things that aren't necessary—they may be nice but aren't necessary—with little regard to how our decisions are going to affect our ability to pay for things we must pay for.

By arguing that Americans aren't taxed enough, Members of Congress are claiming that Government spending can't be cut any more in the budget because the Government is running so efficiently it deserves a raise. I don't think there is hardly anybody out in America's midsection, northeast, northwest, southeast, southwest, south central, who believes that. That is a fairy tale that is believed here, except we don't confront it.

Every year we have given Congress a performance bonus that has been adamantly unearned. Americans find this absurd. That is one of the reasons our approval rating is so low.

A question we should ask probably is, if our Nation's survival were at stake right now, would we be acting any differently? Would we have this budget, or the Republican budget, from 2006? Would those have been the budgets? No, they wouldn't have been. We would have been thinking long term. We would have been making the hard decisions. We would have said: Our country is worth us irritating some special interest group over some item that is no longer efficient or no longer effective. We wouldn't be worried about weighing the future of our children and our grandchildren against the special interests and monied of this country. We wouldn't worry about it.

Well, the fact is, the future is on the line, and if we don't act in the next couple of years, we are going to fall into Will Durant's trap, as we will have rotted inside our own excesses of politics, as we quietly didn't do the things that we could have done to fix the problems that are in front of this country.

It is called maintenance. It is like when you don't mow your grass or you don't pick up the trash in front of your yard. What happens is the value goes down, the pride goes down. Well, that is what has happened to us because myself and the vast majority of Americans believe overspending is a greater moral challenge than undertaxation.

I want to spend some time now going through what I call 2008, a waste odyssey. This waste odyssey is—I am going to be describing a few areas of Government, and I am going to go through them fairly fast so we can see it, and it will be on my Web site in the next week or so. But I am going to outline at least $385 billion, of which I will guarantee $355 billion of it cannot be legitimately challenged that is not waste; $355 billion annually that is wasted or defrauded from the taxpayers of this country, and we are doing nothing about it. This budget doesn't do anything about it; our appropriations oversight committees don't do anything about it. The committees don't make the amendments to do something about it. We do nothing about it. So we come back to that all-important oath. Mr. President, $385 billion listed, $383 billion on this one chart, $385 billion of which $355 billion nobody will be able to dispute.

(Mr. BROWN assumed the Chair.)

Mr. COBURN. Here is what we know. Medicare fraud, out and out pure Medicare fraud. It is somewhere between $70 billion and $90 billion. I picked the middle, which is $80 billion. We have

testimony and studies and lots of data on that that will show us that at least $80 billion worth of Medicare money is being ripped off every year.

Let me give some examples. I will go through some. Here is one company that billed Medicare $170 million for HIV drugs. Do you know how much in HIV drugs they did? Less than a million. But they billed $170 million. There was $142 million for nonexistent delivery of supplies and parts and medical equipment—$142 million.

How about taking Medicare numbers from seniors and billing Medicare for prosthetic arms on people who already have two arms? That came to $1.4 billion last year. Think about that—$1.4 billion was billed to Medicare for prosthetic arms for people who don't need prosthetic arms.

How about 80 percent of the drugs billed across the entire United States for HIV under Medicare went to the State of Florida, which has less than 10 percent of the HIV patients who are eligible for Medicare. How is that possible? How about one wheelchair that got billed to Medicare? It was never sent, but they billed $5 million to Medicare through multiple billings. It is easy to add up to $80 billion.

I could go on. How about fake Medicare providers for the elderly, when they steal their number and send multiple bills to multiple locations throughout the country for the same Medicare patient. That is $10 billion in improper payments. The actual improper payments were $37 billion the year before last, and $27 billion last year and of that, $10 billion of it is unrecoverable. We paid too much or we paid the wrong person. That is $10 billion out the door, which is $250 per man, woman, and child in this country in improper payments on Medicare.

Medicaid is another one. There was $30 billion worth of fraud. It is higher than that; that is only the Federal Government's portion of it. It is easily documented, but we cannot document it because Medicaid doesn't file improper payments like the law says they are supposed to. Why? It is because we have not had the guts to put any teeth into forcing HHS to have improper payments. Last year, finally we got 6 months of improper payments on only direct payments to doctors. They found $13 billion worth of improper payments. We have a report that says there is probably $15 billion worth of fraud in Medicaid in New York City alone, of which the Federal Government's share would be about $8 billion to $9 billion.

How about the fact that we paid, in 10 States, over $30 million for payments for Medicaid services to people who are dead? Yes, we paid that. We have a great system that is working well. How about the fact that 65 percent of all Medicaid rehabilitative services are fraudulent? So of the rehab bills that are filed with Medicaid through CMS, 65 percent are fraudulent.

Why do we continue to let that happen? Where is the oversight? Ninety percent of New York Medicaid school-based service claims were illegitimate. Case management. CMS reports that in one State, 72.4 percent of the claims weren't valid in terms of Medicaid case management.

Then we have the infamous drug scandals with the drug companies that have been overbilling to the tune of a billion dollars.

How about Social Security disability fraud? We have that listed at $2.5 billion. What we know is the following: There is at least $6.5 billion in improper payments in Social Security disability. So we have paid them a much smaller percentage than we have on any other improper payment program throughout the Federal Government and said we will take a small percentage of that, less than 40 percent, which is normally 80 percent, and we will list it at $2.5 billion. It is coming out of Social Security every year—totally wrong—and that $2.5 billion could stay in the SSI program to fund people who were truly disabled. Yet we let $2.5 billion sneak out. Why? That is us. We have not done the oversight.

If you add up all of the rest of the improper payments in the Federal Government, you come to $55 billion. That is what is reported. But that doesn't include the 18 agencies of the Federal Government that don't even report improper payments, even though it is the law, which accounts for another $179 billion worth of spending. And if they are anywhere close to the rest of it, there is 5 to 10 percent of improper payments. So there is anywhere from $3 billion to $7 billion more in improper payments.

DOD performance awards. Here is what we have done. Over the last 3 years, the DOD paid out $8 billion on average a year to contractors for performance bonuses that didn't meet the performance requirements of their contract. Think about that—$8 billion a year. That is almost twice the total budget of my home State that we are paying for performance bonuses for contractors that don't meet the requirements of the contract, but we pay them anyway. Why do we allow that? Why do we allow that to happen?

How about DOD maintenance of unneeded properties? We have testimony and a report that shows they have 22,000 pieces of property they don't want. They are spending about $3 billion maintaining properties they don't want. But we put roadblocks in the way so they cannot get rid of them. Is that Americans' fault or is that something we should have addressed? We didn't do it. Consequently, we are going to throw out $3 billion more this year to maintain properties we should have sold 5 to 10 years ago.

We also know that within the Federal Government, outside of the DOD, we have another $18 billion worth of properties we cannot get rid of because we cannot go through the hundreds of hoops we have to be able to get rid of them. That is a one-time savings. That is not even on here. That is a one-time savings we would achieve if we had a real property reform that forced the bureaucracy to do what was best when it came to real property.

Going back to the performance bonuses, when GAO looked at it, they found no connection between the payment of performance bonuses at the Pentagon and performance—not just on this $8 billion they said was paid erroneously, but on the rest of it. I think we have an Armed Services Committee in the Senate. We certainly have a DOD Appropriations Committee in the Senate. You would think this might be one thing we wanted to do oversight on. Yet no oversight hearing has happened. Why is that? Why haven't we looked at how we are wasting this money?

How about no-bid contracts. This is my favorite. We have seen the problems between Boeing and Northrup-Grumman on a new tanker, a $35 billion new contract—except we know we have needed a new tanker for 12 years. We have had planning on that for 12 years. We are letting a cost-plus contract go through because we don't know what we want. Do we not think whoever won that contract ought to have to take some risk, development risk? Do we think the American taxpayer ought to pay that? We know we lose at least $5 billion a year across the Government in no-bid contracts. That is probably minor. That is a small estimate within the Pentagon. We have not even looked at all the other no-bid contracts throughout FEMA, which we know was tremendously wasteful during Katrina. We know that at least $3 billion of the money we spent during Katrina, from hearings we had on homeland security, was wasted. When the average price we pay to pick up debris from Katrina to the guy actually picking it up is $6 a yard, and we are paying the Corps of Engineers $32 a yard, there is a problem. The taxpayers are getting swindled by 500 percent. Yet we did that to the tune of billions of dollars after Katrina, with no management or oversight.

What we know is in homeland security—and especially from Congressmen WAXMAN and DAVIS in the House—32 Homeland Security Department contracts, worth a total of $34 billion in no-bid contracts, have experienced significant overcharges, wasteful spending, and mismanagement. Between 2003 and 2005, the no-bid contracts in the Department of Homeland Security increased by 739 percent. There is no management. We are allowing that to happen. When we argue that we cannot let the bureaucrats control it, when we say we have to do earmarks, but we don't do oversight, we are letting the bureaucrats control it. If there is $300 billion worth of waste, fraud, and abuse here, and our earmarks account for $18 billion, what price are we paying by not managing the Federal Government

and having oversight? We are not doing it.

Emergency spending, another one we won't be critical of ourselves. We put emergency spending in on the floor and add from $20 billion to $40 billion and call it an emergency, and none of it meets the definition of an emergency. We do that so we can go outside of the spending parameters that we have limited ourselves to either through pay-go or the budget. But it looks good at home—or does it? It looks good at home until we start talking about the waste, talking about the fraud, talking about the mismanagement, talking about the denial of our oath we took when we came here to uphold the Constitution. When we allow bureaucracies to waste money, when we don't have oversight of those bureaucracies, then in fact we have abandoned our oath.

It is interesting, in emergencies, up until recently, when we had emergency spending, we paid for it. In my home State of Oklahoma we had the Oklahoma City bombing, a tremendous tragedy. It was the first major internal terrorist act we had. All of the money that went toward restoration of that was paid for. We didn't borrow it from our grandchildren. Let me go back again. When we don't pay for things with emergency spending, we charge it to them. When we have a true emergency, which we might say we didn't plan for, that is one thing, but when we know what we are putting into the bill is not an emergency, we are saying they don't matter, we don't care. We care more about looking good and getting some constituent satisfied than thinking about the future of these kids.

How about other areas? How about crop insurance? Do you realize that for every dollar we pay out in crop insurance, we spend over $3 in administrative fees and underwriting to insurance companies? How is that a good deal? Regardless of where you are on the farm bill, why would we do that? That is at a rate of five times what the rest of the insurance industry earns.

Who has the sweet deal here? Who has the sweet deal? It is not these kids. They don't have a sweet deal, when we are paying three times more than we should to administer a crop insurance program and not requiring farmers to participate. That is the minimum we can save—$4 billion a year—by saying you can earn the same amount of money as everybody else in the casualty insurance business, and no more. No more sweet deals for crop insurance firms. But do we do it? No. I voted wrong on one of the amendments for it. It may have been the amendment of the person sitting in the chair. But we didn't do it.

One of my favorites is the United Nations. We sent $5.3 billion last year to the U.N. and we cannot get the State Department to tell us what our total was in 2007. That was 2006. By law, they are supposed to provide that, but they don't comply. The Foreign Relations Committee won't make them comply, and the Appropriations Committee won't do it, because we don't want to know how much we send. But the American people want to know. But the Secretary of State does not want to give it to us. Our committees will not force them to do it. What do we know about that, of the leaked documents that came out looking at how money is spent? What we know is on procurement and peacekeeping that at least 40 percent of the money that is spent is wasted. Think about that. At least 40 percent is influenced through people of influence and does not ever get to what it is supposed to be doing. It never gets into the peacekeeping field. Only 60 percent of the procurement money actually ever gets to where we want peacekeeping, and yet we don't do anything about it.

We have asked for transparency at the United Nations. This body voted 99 to 1 to condition last year's money on that transparency. It went to conference, and all of a sudden for some reason that was dropped. I wonder why that happened? We thought the United Nations owed us an explanation to tell us where they spent our $5.3 billion but, in our wisdom, we did not accede to that because it might have upset the U.N. Consequently, about $1 billion a year of what we send to the United Nations is pure waste—pure waste. It goes to fraud. It goes to buy off people. It goes to not accomplishing the goals.

If we look at what we are trying to do in Darfur and the new U.N. program over there in terms of sending an interdiction force, what we know is 40 percent of the money has been wasted. It has been scavenged. It has been taken away. It is not going to make a difference in somebody's life.

It is interesting, the U.N. peacekeeping budget this year will grow from $5 billion to $7 billion, a 40-percent growth in 1 year. And of the top five contributors to the U.N. budget, which is us, the United Kingdom, France, Japan, and Germany, all of our budgets are going to grow around 6 or 7 percent. But because we do not have any transparency, we do not have any management at the United Nations, we have a spoil system and we do not have the courage in our body to hold them accountable, we are going to throw $1 billion to $2 billion of our kids' money away.

Oh, I know, we shouldn't rock the boat at the United Nations. They are the people who care about freedom in the world. It is hard to see. If they care about freedom, transparency would be one of the No. 1 things they would assure themselves.

How about another $10-billion worth of savings? We have $64 billion worth of IT contracts going on right now; $27 billion of those are on the high-risk list. In other words, we routinely lose about 20 percent of our investments in ITs. They don't ever accomplish their goals. We spend the money, and we never get anything for it. Where is the management for that program? Where is the accountability for that? It is similar to the tanker program: Give me a cost-plus program, I don't know what I want now, but I know I want something, and I will tell you as we go what I want. And so the bills start adding up. So out of the $64 billion we spent last year, $27 billion of it is questionable we are ever getting anything out of it.

Take a conservative estimate of that, which is less than what we know historically the IT oversight from GAO has told us, and we are going to lose $10 billion on programs that were not asked for right, were not managed properly or we just flat did not get what we asked for and parted our ways and threw these kids' money away.

Then there is another $17.5 billion we can save from the National Flood Insurance Program. It was created in 1968 by Congress to prevent the need for future emergency spending for large floods. It was designed to be self-supporting, to pay back any debts with proceeds from ratepayers. But what happened was, on the way to the store, the politicians got in between them. So now we have a vast majority of properties that have been grandfathered in that historically have made claims. They were built before the NFIP construction standards, and they receive premium subsidies. In the wake of Katrina, we have a one-time savings of $17.5 billion that we could have had we had that program. But where are we? We now have Gulf Coast States lobbying us that we should increase that program, except the kids I showed the picture of are responsible for that.

The other item, and I challenge all my colleagues to start talking with Federal workers about where they can save money. If you ask them, every one of them says, yes, we can save money. As a matter of fact, we can save a lot of money, but nobody is asking. As a matter of fact, the system is, if we haven't spent the money by the 10th month, we are told to spend it, we are told to spend the money because we might not get enough money next year, and if we don't spend it, then it looks like we don't need it and, therefore, our budgets will be declined. In fact, out of the $1.36 trillion we are going to spend this year, we could save 5 percent easily, 5 percent efficiency. If we can save it, if the Federal employees, the thousands with whom I have talked, are right, why aren't we saving?

Let's go down through a few more, and then I will finish.

We know if we simplify the Tax Code, either change it to a flat tax or straight tax or a value-added tax—whichever one you want, it doesn't matter—what we know is if we did that, we could get significant savings. Let me tell you how.

One is we know compliance will be better. But we also know we have a $10 billion budget for employees at the IRS that if, in fact, we could create a simpler, fairer, straighter system—you

pick which kind, I don't care, value-added tax, whatever it is—that we would not need nearly that many employees and we would not spend $160 billion a year paying our taxes, which is what we pay other people outside the IRS.

We also know the IRS, for every dollar they spend investing in compliance, gets between $3 and $4 back. So somewhere between $50 billion and $100 billion out of the $370 billion that we don't get now, we can save. But we tend to want to use it for a political debate.

How about eliminating outdated and wasteful programs. Let me go through some of them. That is $18 billion. Science fiction weapons, $431 million, got nothing for it over the last 10 years, nothing for it, and we spent $431 million and got nothing.

The Coast Guard lengthened eight patrol boats through an earmark. It cost $100 million. They are all worthless now. We have to buy eight patrol boats. Somebody had a good idea.

How about excessive fuel costs? At minimum, $35 million a year, and what we know now looks like in Iraq another $12 million worth of fraud occurring in the fuel depots inside Baghdad. Another $40 million, $50 million on fuel.

How about improper travel payments at the Defense Department, $4 million a year? Security clearances—it costs us half a billion dollars a year to do security clearances because we are doing it in the Dark Ages when, in fact, for almost every other thing around this country we have developed modern systems, computer-aided IT to develop how fast and how often we can clear security items. Yet we spend half a billion, and it takes a year to get somebody cleared. We could cut that in half.

We had a wonderful earmark for polyester t-shirts for our marines. The only problem is, if their MRAP or humvee has a fire, it sticks to their skin. But we still spend $3 million on them.

How about a ferry to nowhere, 84 million bucks? We rejected the developmental boat proposed from a defense contractor in 2002, and the U.S. Navy was required to accept the project and the bid and deploy it to the seas for field engagement, even though it never proved economically worthwhile.

How about a James Bond boat, $4.5 million, three of them?

A high-altitude airship. The President knows something about this. The Missile Defense Agency did not request funding for this program. As a matter of fact, they said they canceled the program called the high-altitude airship because of capability limitations. Yet we continue to spend at least $1 million a year every year on that program because somebody wants it. Some constituent, some moneyed interest, somebody who might employ 20 or 30 people wants it. Somebody wants it, so we have to look good.

How about the American Embassy in Iraq, $592 million? We know a good 20 percent of it is pure waste. We have seen the fraud. We have seen the reports. We know what is going on there. Have we cut back the amount of money? Have we limited the amount of money on it? No. We offered an amendment and couldn't get it done.

How about USAID in Afghanistan, $5.68 billion spent for schools. In the first snow, the roofs collapsed on them. Did we do anything about it? No, we hired the contractor to do more stuff on a cost-plus basis.

How about hospital clinics that were supposedly built, except after we paid for them, the Afghanistan Government told us they didn't build them. How do we let that happen? That is us. That isn't the bureaucracy; that is us. We are letting it happen. We are allowing it.

We spend $20 billion on Federal AIDS programs and what we know is lots of it gets wasted. We know there is widespread deficiencies within the Centers for Disease Control and Prevention in the HIV prevention program. Those are not my words; that is the HHS inspector general.

Two million dollars was embezzled at the San Juan AIDS Institute. NIH is spending $120 million right now on a vaccine program. The starter of that program and the major scientists who started it said it will not work, and they are not contributing, but we continue to spend $120 million on a program everybody in science knows is not going to work, but we are doing it.

By the way, we spent $300,000 or $400,000 on HIV Vaccine Awareness Day, and we don't even have a vaccine. It is important we spend it, but we cannot get rid of it because somebody objects.

AIDS housing, millions of dollars wasted.

Here is my favorite. How about $1 million paid to dead farmers? A billion, I am sorry, a billion dollars paid to dead farmers for their crops. They are dead. We are continuing to pay them, up to 15 years some of them. It is the only program you can continue to collect after you are dead, and yet we have an Agriculture Department that allows that to happen.

How about this—this is great—the National Park Service centennial celebration. We are going to spend $100 million in a time when our deficit is $607 billion, our debt $10 trillion, and our unfunded liabilities are $7 trillion, and we are going to spend $100 million to celebrate our national parks? That doesn't pass the smell test. Nobody is sitting around their dinner table tonight saying if we are ever in the kind of shape we are in, we ought to be doing that.

How about $100 million for the conventions that we did under emergency funding? We spent $100 million, everybody's money, for each city so we could have the conventions in Denver and Minneapolis.

The other interesting thing about the national parks is it doesn't turn 100 until 2016, 8 years from now, but we are going to spend the money.

How about a $30 billion subsidy to Amtrak? Amtrak started with a subsidy and was supposed to get better. We continue to not hold them accountable. How about a $244 million subsidy for food on Amtrak? Maybe we want to continue to have Amtrak. Maybe it is worth it to us to have a $1.5 billion subsidy every year on Amtrak. I would agree with that. Maybe that is the right priority. But should we be subsidizing a quarter of a million dollars a year for people's food on Amtrak? But we are.

Other items—essential air service to small communities that are within driving distance of another community, we are going to spend $110 million this year. How about the fact that we are going to pay Federal employees $250 million to ride the transit? Nobody else in this country gets paid to ride the transit. Nobody else gets their transit bills paid. But Federal employees, we are going to take a quarter of a billion dollars every year, and we are going to say to some of the best paid, best benefited workers in the country that we are going to give you a quarter of a billion dollars in subsidy so you will ride the transit. Well, economics will tell them to ride the transit. The American taxpayer shouldn't do that.

Well, I am wearing thin, I know, my colleagues, and so I will stop and enter into the RECORD the remaining 50 pages of examples I have of stupidity for which we are responsible. The real important thing to keep in mind, if you have been listening to this, is that we are on an unsustainable course, that, in fact, a child born today is going to inherit something different from what we did. We inherited opportunity. They are going to inherit debt. We inherited a leadership and a heritage that says you sacrifice for the next generation. They are going to inherit a legacy that says you kick the next generation in the teeth.

Everything I have outlined today is something we could have controlled, we as Members of the Senate, but we are so busy doing earmarks that we don't do any oversight. Now, what I just outlined to this body is what my staff has discovered in 3 years. Think what would happen if all of us were aggressively oversighting every agency of the Federal Government. Think how efficient it would be. Think how much waste wouldn't be there. Think about what a great deal we would be doing for these kids.

America expects us to tighten our belt. They expect us to do what they are having to do right now. They are tired of our wasteful spending, they are tired of our earmarks, and they are tired of our bridges to nowhere. We better listen. There is a rumble, and if we don't listen, it is our own fault that we will continue to decline in esteem in front of the American people. We will have well earned it.

So the next time somebody says they want to raise your taxes, ask them how

much of that they got rid of before they do it. We don't have a shortage of money. We have a shortage of courage. We have a shortage of character. We have a shortage of intensity to solve the real problems that are facing this country. And until we tackle this, we should not say one thing to anybody in this country about increased taxes. It is morally reprehensible, it violates our oath, and most of all, it does great damage to our country.

I ask unanimous consent that the examples that I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Homeland Security Funds for Fish Fries and Spaghetti Dinners

Indiana homeland security officials warned one county in 2006 to stop using electronic emergency message boards to advertise fish fries, spaghetti dinners and other events. Homeland Security, which bought the 11 signs for $300,000, said the county could risk losing Federal money. The Newport Chemical Depot, which is considered a potential terrorist target, is located in the same county in western Indiana. In the case of an evacuation, the signs could flash routes for drivers to take. The message boards also could be used during floods or other natural disasters. Using them for ads violates federal rules and could dull the public's attentiveness to the boards, said the executive director of the Indiana Department of Homeland Security.

Department of Homeland Security Grants

There isn't a training program out there that DHS doesn't like to fund. Overlap and duplication abounds within FEMA's office of Grants and Training and the multiple grant programs it manages that fund counter-terrorism training for State and local first responders. One of these programs, the Demonstration, Training, Grant Program, has received $63.6 million from 2004 to 2007 and has awarded 29 grants ranging from $750,000 to $6.5 million. However, despite this considerable investment by the American taxpayers, as of 2007, none of the training programs developed using Demonstration Training Grant funding have been deployed for use. In addition, some of the programs appear to duplicate other training programs provided both within DHS and with counter-terrorism training programs provided through other Federal agencies. Even the Administration saw that continuing to fund this program was a waste of money. The President did not request funding for the Demonstration Training Program in fiscal years 2007 and 2008 yet Congress chose to continue funding the program, giving it $30 million in 2007 and $28 million in 2008.

DHS—Customs and Border Protection Request a Shopping Trip

The Department of Homeland Security recently requested that a training conference be located within walking distance of a major shopping center. According to a solicitation notice from the Department of Homeland Security Customs and Border Protection (CBP), the federal agency ''desires a hotel located within walking distance of (or short courtesy van trip) a major shopping mall which includes multiple significant department stores and/or the Tanger Outlet mall (near exit 213), for the convenience of the participants/guests'' of an upcoming training conference. The notice also states that ''Contractor shall provide/or assist with local transportation to/from local eateries and shopping, within the surrounding areas of Contractor's establishment, to include major mall and/or Tanger Outlet Mall.''

Interoperable Communications Grant Programs

There are currently two identical grant programs in the federal government that fund interoperable communications, with one housed at the Federal Emergency Management Agency within DHS, and the other at the Department of Commerce. The Interoperable, Communications Grant Program operated by FEMA was created in 2007 and authorized to spend 3.3 billion, while the Public Safety Interoperable Communications Grant Program at Commerce was created in 2005 and authorized to distribute $1 billion. Both programs are identical in every possible way except for their authorized funding levels and the Departments in which they are located. To further highlight the duplication, it should be noted that the Department of Commerce contracted with FEMA to administer its program, meaning both identical programs are being administered by the same agency. Various public safety organizations commented that having two identical programs simply created confusion and wasted resources. A Coburn amendment was filed last year to combine both programs by eliminating the Commerce program and adding it's funding to the FEMA program, but the amendment was voted down by the full Senate.

KATRINA

Katrina Waste

FEMA's Individuals and Households Program (IHP), provides direct assistance (temporary housing units) and financial assistance (grant funding for temporary housing and other disaster-related needs) to eligible individuals affected by disasters. A September 2006 Government Accountability Report found that management of the IHP program in response to Hurricanes Katrina and Rita resulted in as much as $1.4 billion in improper and potentially fraudulent payments due to invalid registration data. In addition, duplicate payments were made and FEMA lacked accountability for the debit cards (each with a $2,000 spending amount) that were given to disaster victims. Examples of abuse included the purchase of a $200 bottle of Dom Perignon champagne at a San Antonio Hooters restaurant, payment for divorces, a sex changes operation, luxury handbags, a Caribbean vacation, professional football tickets, and adult entertainment. And because of FEMA's notoriously bad financial controls and reporting after Hurricanes Katrina and Rita, these are likely only a fraction of the total cost of mismanaging this program.

MISCELLANEOUS

Abraham Lincoln Bicentennial Commission

The Commission was authorized in FY 2002 to create education programs, public forums and arts projects to provide an opportunity to re-examine what it means to be American in the 21st century finding unity in our diversity. ''The Bicentennial commemoration of his [Lincoln's] life and legacy will be a bright beacon to completing our nation's 'unfinished work.''' The Bicentennial celebration will culminate in a Washington DC ''Bicentennial Birthday Gala'' with a ''world class concert and entertainment special'' in DC with ''nineteenth century popular and patriotic music'' being performed by ''outstanding military bands.'' The Birthday Gala will be followed by a Lincoln Memorial Rededication with a ''memorable public program.'' Additionally, a Joint Meeting of Congress will take place in the U.S. Capitol's Statuary Hall. After a keynote address by a political leader or ''senior Lincoln historian'', guests will proceed to lunch at the library. So far, all the planning and arranging of these and other national activities has cost the American taxpayer $2.95 million.

Inspector General Investigation of an Employment Training Grant

The inspector general for the Department of Labor issued a scathing report in February 28 highlighting more than $11 million in improper expenditures by the Consortium for Worker Education (CWE). The grant for CWE was issued to provide employment services to participants and employers impacted by the events of September 11, 2001. According to the inspector general, ''CWE reported it registered 24,195 enrolled participants, but only documented 20,513 registered participants of which 366 were ineligible and 115 were missing support documentation.'' Labor department investigators also found that ''Federal requirements were not followed when charging costs to the grant'' and that four out of five of the program's reported outcome measures could not even be audited. The inspector general also noted that it may be forced to recover $13 million from the grant if CWE does not adequately justify its expenditures and accounting methods.

NOAA's Totally Bogus Taxpayer Funded Birthday Bash

In June 2007, the National Oceanic and Atmospheric Administration (NOAA) announced that it planned to spend scarce taxpayer resources on a ''200 year anniversary celebration.'' The announcement was especially odd given that NOAA was only 37 years old at the time. According to the department's website, ''[T]hroughout the year, NOAA will be hosting an array of events around the country to celebrate the agency's 200-year history.'' Events listed included a Washington, D.C. gala, a reception for .members of Congress, a festival and concert at Hawaii's Waikiki beach park, outreach at the Iowa State Fair, and other activities. Oddly enough, the department's website also stated that ''during 2000, NOAA celebrated its 30th anniversary as a federal agency[.]'' A series of costly celebrations were also held that year in honor of the ''anniversary.'' According to NOAA, the total cost of the bogus 200th birthday bash was nearly $1.6 million.

Low-Income Legal Aid Wasted on Chauffeurs, Lavish Meals and Foreign Trips

A 2006 investigation of the Legal Services Corporation by the Associated Press found that the agency's executives wasted taxpayer money on chocolate desserts, $400 chauffeured rides to locations within cab distance from their offices, and luxury office space in ''Washington's tony Georgetown district.'' Although the Legal Services Corporation, which was created to provide legal assistance to low-income Americans, turns away half its applicants for lack of resources, it still found plenty of ways to spend money on lavish items. In one instance, the agency's board members even gave themselves meal allowances that doubled the amounts given to other staff. Other extravagant expenditures found by the Associated Press include a $59 three-entrée buffet, an $18 breakfast featuring scrambled eggs with chives, a $28 deli buffet, and $14 ''Death by Chocolate'' desserts. Total cost?

EPA Grant for a Caribbean Shopping Trip

In 2007, the inspector general for the Environmental Protection Agency (EPA) found that the agency spent $356,012 to send Philadelphia high school students on a shopping trip to the U.S. Virgin Islands. According to the trip agendas, the U.S. students were to take a kayak tour, attend a lecture, and visit a camp in the Virgin Islands. The agency spent $261,590 to pay for students in the Virgin Islands to travel to Philadelphia. The inspector general wrote in its report on the

grant that ''[t]he U.S. students also visited Coral World Ocean Park and resort locations, while both groups took shopping trips.'' Although the grant was supposed to promote environmental stewardship, a majority of money for the grant (52 percent) was spent on travel, and less than half the time of the trips was spent on environmental-related activities. The grant was also used to purchase 128 computers that met only general education needs that were not even part of EPA's mission.

Smithsonian Director

According to an investigation by the Washington Post, the director of the Smithsonian Museum of the American Indian spent $250,000 in taxpayer money on ''first-class transportation and plush lodging in hotels all around the world, including more than a dozen trips to Paris.'' A separate investigation found that another top Smithsonian official accumulated nearly $90,000 in unauthorized expenses between 2000 and 2005. His expenses included ''charges for jet travel, his wife's trip to Cambodia, hotel rooms, luxury car service, catered staff meals and expensive gifts.'' The Smithsonian inspector general found that a few months after this Smithsonian head took office, he stopped filing the required monthly documentation ''for administrative ease.''

Government Printing Office, Daily Printing of the Congressional Record

The Government Printing Office prints approximately 5,600 copies of the Congressional Record for each day Congress is in session. This cost the American taxpayer over $6.5 million annually. Of the 5,600 copies printed daily, over 1,400 are distributed to House offices, Committees and post offices, over 1,500 are distributed to Senate offices and Committees, and the remaining copies are distributed to various sources, including federal agencies and federal depository libraries all at the taxpayers' expense. The daily Congressional Record is available online and previous Congressional Records are available online dating back to 1989. Instead of accepting that we live in an increasingly paperless world and stopping the wasteful printing of the Congressional Record, we would rather just continue big spending as usual by throwing millions of dollars and tons of paper in the waste basket.

ECHO Center

$97,000 was appropriated in the 2008 Omnibus for the ECHO Center in Burlington, VT, for education regarding the Lake Champlain Quadracentennial. According to its Website, the ECHO Center, also known as the Ecology, Culture, History, and Opportunity at the Leahy Center, is a lake aquarium, science center, and community resource. Its purpose is to ''educate and delight people about the Ecology, Culture, History, and Opportunities for stewardship of the Lake Champlain Basin.'' To complete the ECHO center, a $14.5 million ten-year fundraising campaign was necessary. According to its Website, more than half of the funds for this campaign came from the federal government. The Lake Champlain Basin Science Center—the non-profit organization that runs ECHO—listed a total of more than $12 million in assets at the close of the 2005 fiscal year and has received more than $4.4 million in federal grants since 2000—including more than $600,000 last year. It is expected that the quadracentennial will bring in revenues of up to $133 million. In light of these estimates why is further federal investment outside of the competitive bidding process for an educational exhibit regarding this special event necessary? The fact that numerous other educational and heritage-related initiatives already exist, or are being pursued on the state and local level makes this request for additional federal funds unnecessary and duplicative. Given that the ECHO center has already spent over $7 million in federal taxpayer funds on national priorities such as becoming the first LEED-certified building in Vermont, and offering a waterplay space for kids to build dams and float boats, and that its net assets total more than $12 million, the federal taxpayer may be forgiven for thinking this is a poor investment of federal funds.

DOT—Museum of Glass

In FY 2006, Congress gave $500,000 to the Museum of Glass in Tacoma, Washington. The mission of the museum is to provide a dynamic learning environment to appreciate the medium of glass through creative experiences, collections and exhibitions. The museum showcases works by internationally known artists who illuminate trends in contemporary art, highlighting glass within a full range of media. The Museum of Glass has featured exhibits in Mining Glass, which showcases the work of eight internationally distinguished contemporary artists working with glass, as well as Czech Glass from the 1945–1980 period. The museum also features live glassmaking in the Hot Shop Amphitheater and dining in the Gallucci's Glass Café.

Beach Nourishment for Imperial Beach and other Beaches

An earmark included in the Water Resources Development Act of 2007 authorized $8.5 million for current beach nourishment for Imperial Beach in Southern California and federal funding for periodic beach nourishment every ten years for a period of 50 years for an estimated cost of $20,550,000 in federal funds. Such ''nourishment,'' however, is not essential and does not merit siphoning funds away from higher priority Corps projects, such as protecting the thousands living in the Sacramento valley who are still at risk of catastrophic flooding. The White House Statement of Administration Policy urged eliminating funding for beach nourishment in WRDA and President Clinton also sought to discourage federal beach nourishment projects. Adding sand to beaches, at best, provides a temporary fix to local erosion concerns that could potentially lead to property damage and encourages risky development and construction along shorelines at federal taxpayer expense. The $1.2 billion wasted through beach restoration federal appropriations from 1995–2005 could have been spent on other federal priorities or gone to pay off our growing national debt.

Wake Ferry, WA

$1.54 million was appropriated in the 2008 Omnibus for the Kitsap Transit, Rich-Passage Wake Impact Study. ''[This] study . . . is working to finalize the design plans and specifications for a high speed passenger ferry service between Bremerton and Seattle. The funding will be used to study the response of the sands and gravels on the beaches along the route through Rich Passage, biological monitoring and analysis, financial feasibility analysis and public outreach including a website and newsletter. The funds will also include the use of an existing foil assisted catamaran to simulate actual operating conditions of a designed boat so that potential impacts, if any, can be assessed and appropriate measures can be taken to protect the shoreline.'' In total $7.79 million has been appropriated for this study along with $4 million for earmarks for a ''low-wake, passenger-only ferry.'' Both of these projects have been almost entirely federally-funded during a time when the Kitsap Transit Authority moved into a new 45,000 sq. ft office and retail complex that offers stunning water and mountain views. Not to worry, though, they can be assured that their taxpayer dollars have created the ''lowest-wake boat in the world'' when it hits the water. While environmentally-friendly high-speed ferries may be convenient and provide greater economic opportunities for certain communities, they are not national priorities and should not be funded by federal taxpayer dollars until more pressing national infrastructure concerns are addressed.

Bangor Waterfront, ME

$262,500 was earmarked in the 2008 Omnibus for development of the Bangor Waterfront Park on the Penobscot River for the city of Bangor, ME. Federal funding for developing this waterfront exceeds $4.5 million through various earmarks, grants, and contracts. ''The park will be the centerpiece of Bangor's waterfront destination for local and regional populations and out-of-state tourists alike. It will provide several venues for outdoor performances including the American Folk Festival. The park will complete long-term efforts to acquire, clear, remediate, and redevelop Bangor's historic waterfront.'' Playgrounds, a fitness area for adults, a trail system, and a picnic area are things that the community is expecting to see on the waterfront. These regional desires, however, should not be prioritized over national infrastructure needs like deficient federal bridges.

Chesapeake Buoy

$446,500 was appropriated in the 2008 omnibus for an interpretive buoy system along the Captain John Smith Chesapeake National Historic Trail. The purpose of the buoys is to ''promote awareness of the Bay's condition, and to support the stewardship efforts of educators, trail users, government, and civic organizations dedicated to the preservation of the Bay and its natural environment.'' This buoy system will ''mark'' the newly created John Smith National Water Trail on the Chesapeake Bay. The ''water trail'' is the first entirely water-based National Historic Trail. The recipient of this earmark is the Conservation Fund of Arlington, Virginia; and other partners of this project include the National Geographic Society, the Chesapeake Bay Foundation, Sultana, Verizon, and others. The Conservation Fund is listed as having net assets totaling more than $275 million and has received over $23 million in federal funds since 2000, according to FedSpending.org. The Chesapeake Bay Foundation, which has encouraged the creation of this NPS trail, boasts just under $70 million in net assets and had a revenue surplus of $7 million in 2005 alone. The National Geographic Society reported an income of $531,595,929 with over $45,000,000 in profits and total assets of $1,127,705,462 in 2005. Promoting tourism in the Chesapeake Bay and increasing understanding of the historic voyages of Captain Smith are well intentioned goals but are clearly not urgent, federal priorities. Likewise interactive buoys may be innovative ways to educate tourists and visitors about the Bay and Captain Smith's voyages, but they are inessential extravagances. Fortunately, the organizations that are heading up this effort, including the recipient of the earmark, have sufficient financial assets to ensure the continuation of this project.

Earmarks for relatives

According to a recent investigation by USA Today, in 2006 ''lobbying groups employed 30 family members to influence spending bills that their relatives with ties to the House and Senate appropriations committees oversaw or helped write.'' 2006 appropriations bills contained $750 million for projects championed by these lobbyists. Of

the 53 relatives or former top aides to lawmakers on the powerful appropriations committees working at lobbying firms last year, 30 lobbied the legislator or the legislator's top aide for appropriations that the Member oversaw. Of those 30, 22 succeeded in their quest to insert specific earmarks in appropriations bills. That incredible rate of success—almost 75 percent—explains why lobbyists with personal ties to Members have been in high demand. Projects procured with the help of such lobbyists have included $1.5 million for an underground facility in a cavern that would be used to protect financial information, $2 million for an earmark not requested by the Department of Defense for a company that produces armor products that gave nearly $11,000 to the sponsor of the earmark, $1.28 million to widen a road near an upscale shopping center the earmark's sponsor helped to develop, and the creation of a fish marketing board that has received tens of millions in federal earmarks and whose initial chairman was related to the earmark sponsor. Ethics rules that do not prohibit this clear conflict of interest that borders on the corrupt enable such wasteful and inappropriate spending to occur at the cost of the American taxpayer.

ITBC

The InterTribal Bison Cooperative's (ITBC) bison restoration program has received $8.2 million in federal earmarks since 2000. ITBC seeks to ''restor[e] buffalo to Indian Country, to preserve [the Indian] historical, cultural, traditional and spiritual relationship for future generations.'' ITBC members also claim that ITBC enables Native Americans to eat more buffalo meet, which is healthier than other forms of meat. President Bush has repeatedly attempted to eliminate this program because it is not central to the Bureau of Indian Affairs (BIA) core missions or responsibilities. BIA has concerns with the management of the program, as of the roughly $4 million in funding appropriated in 2006, less than $1 million was directed to individual tribal projects. Specifically, out of the almost $4 million funded by taxpayers, only $859,180 was distributed to 15 tribes for bison projects. A total of $3,127,782 was left for ITBC administration and technical assistance; meaning that for every one dollar allocated to the ITBC, 27 cents went to bison projects. Furthermore, despite an increase in funding of $1,786,962 in for fiscal year 2006, only an additional $30 was allocated to bison projects (previously spread among 21 tribes). These funds would be better spent on providing necessary Indian health services. More than $8 million has been wasted on this program.

HUD—International Peace Garden

The Fiscal Year 2008 appropriations bill for the Department of Housing and Urban Development (HUD) included a provision directing $450,000 to renovate facilities at the International Peace Garden in Dunseith, ND. The International Peace Garden is a 2,339 acre botanical garden on the U.S. and Canadian borders of North Dakota and Manitoba, created in 1932 as a symbol of friendship between the two nations. According to the garden's website, ''Reflecting pools and dazzling colorful floral displays of over 150,000 flowers splash across the grounds of the Formal Garden's terraced walkways.'' While the International Peace Garden center may stand a symbol of the friendship between the United States and Canada, renovation is not essential, especially when it is estimated there are 700,000 homeless persons living in the U.S. According to HUD's website: ''HUD's mission is to increase homeownership, support community development and increase access to affordable housing free from discrimination.'' Nearly half a million dollars for facility renovations to the International Peace Garden does not appear to advance this mission.

Cleveland-based Head Start provider accused of pocketing $7.5 million for poor children it did not serve

Head Start is a national program that promotes school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social and other services to enrolled children and families. A recent state audit accused a Cleveland-based Head Start provider of pocketing $7.5 million for poor children it did not serve. The audit, says the Ministerial Day Care Association was paid for 5,162 children in 1998 through 2000, but could only document serving 3,415 youngsters. It's the second major finding against the Ministerial Day Care Association, which was accused in a 2002 state audit of wrongly collecting $3.8 million in taxpayer dollars. The State no longer funds the agency, but the group still collects Federal Head Start money as well as funding from the Council for Economic Opportunity in Cleveland, Ohio.

Duplication—Early Education

In 2000, the Government Accountability Office published a report titled, ''Early Education and Care: Overlap Indicates Need to Assess Crosscutting Programs.'' The report identified duplicative programs providing education or care for children under the age of 5. The GAO report found 69 early education programs administered by 9 different agencies. GAO revisited this report in 2005, and found that the landscape of federal programs remained largely the same as in 2000. Five years after the original GAO report warned that a large number of programs creates the potential for inefficient service and difficulty accessing services, GAO found 69 early education programs exist, the same number as in 2000, but the programs are now administered by 10 different agencies. During the 5 years between GAO reports, 16 programs were removed from the list, and 16 were added back.

HHS—Four Federal Agencies Sponsor Conference at Walt Disney World

A three-day, expense-paid trip to Walt Disney World Resorts sound like a dream vacation—but it's not. It's research, according to four federal agencies who sponsored a conference in Orlando, Florida. The 2007 Academy Health Research Meeting was held at the Walt Disney World Swan and Dolphin resort in Orlando, Florida. The posh resort boasts ''an environment of elegance and opulence'' featuring ''the beauty and tranquility of waterways and tropical landscaping.'' Federal sponsors included the Agency for Healthcare Research and Quality (AHRQ), the Centers for Medicare and Medicaid Services, the National Center for Health Statistics, and the Health Services Research and Development Service of the Department of Veterans Affairs.

USDA—Goose Poop Cleanup

For 3 consecutive years (Fiscal Years 2004 through 2006) Congress has appropriated money for the ''Goose Control Program.'' The Goose Control Program uses humane methods to stop Canadian geese from ruining parks and fields in New York. Canadian geese in Long Island, NY pose a year- round problem, destroying golf courses, parks and fields at important public facilities. The Goose Control Program partners with ''GeesePeace,'' an organization using environmentally-safe and non-lethal methods to reduce the number of geese and redirect them away from public places.

USDA—Imiloa Astronomy Center in Hawaii

Last year, Congress gave NASA $1.5 million to fund the Imiloa Astronomy Center. The Imiloa Astronomy Center is located on a nine-acre campus above the University of Hawaii-Hilo, and according to the website, features interactive exhibits, planetarium shows, group tours, a store and a cafe for visitors to explore the connections between Hawaiian cultural traditions and the science of astronomy. The center was formerly called the ''Mauna Kea Astronomy Education Center'' and has received more than $30 million in federal funding since FY 1999.

USDA—Subterranean Termite Research

The Department of Agriculture gives funding to scientists to develop and implement alternative methods to control and prevent termite damage to homes and other structures. The scientists devise and test control methods that are consistent with public health and environmental safety in warm weather states. Supporters argue that with increasing environmental concerns, especially ozone depletion due to fumigation control methods, as well as concerns for public health and safety, there is a continuing need to develop safe methods to control this devastating pest.

The National Science Foundation

The National Science Foundation is an independent federal agency created by Congress in 1950 to promote the progress of science. With an annual budget of about $6.06 billion, NSF is the major source of federal backing in many fields such as mathematics, computer science and the social sciences. The NSF website features the ''Discoveries'' made possible with NSF funding and support, including:

Helpful Robot Alters Family Life: Robotic vacuums are warming their way into homes and even taking on a personality for some families.

The Smell of Money: Research suggests an absence of metallic chemicals in the strong metallic odors that result from people handling coins and other metals.

Company Name Influences Stock Performance: Easy to pronounce names perform better in stock markets.

Monkey Business: The discovery of capuchin monkeys in the wild using stones as nutcrackers may tell us something about the monkeys' ingenuity, and more about ourselves.

The Implications of Making Care-Giving Robots Lifelike: Robots designed to help the elderly may be given the ability to interact in human-like ways but what are the implications of doing this?

Advanced Technology Program

The Advanced Technology Program (ATP) was created in 1988 to increase our country's global competitiveness by investing in businesses and ideas that could not attract private investment. Instead of promoting successful business initiatives, however, the program quickly became a vehicle for wasteful corporate welfare. For example, such struggling small businesses as GE, IBM, and Motorola have received hundreds of millions of dollars from this federal program. A Government Accountability Office study of the program even found it ''unlikely that ATP can avoid funding research already being pursued by the private sector[.]'' And according to the Program Assessment Rating Tool developed by the Office of Management and Budget, ATP does not address a specific need and is not even designed to make a unique contribution. Between 1990 and 2004, the program spent over $2 billion on various investments of dubious value. Last year, instead of addressing the core problems within the federal program, Congress just chose to tinker around its edges and give it a new name.

HHS—Head Start

The Head Start program was established in 1965 to promote the school readiness of low-

income children. In 2005, GAO issued a report that raised concerns about the effectiveness of the Department of Health and Human Services (HHS) Administration for Children and Families' (ACF) oversight of about 1,600 local organizations that receive nearly $7 billion in Head Start grants. The report found that among other program risks, ACF made limited use of financial reports and audits to ensure that all grantees effectively resolved financial management problems. ACF had also made little use of its authority to terminate grantees that did not meet program requirements and fund new grantees to replace them. A GAO report released just last month found that ACF has not undertaken a comprehensive assessment of risks to the federal Head Start program, despite the 2005 recommendation. The report stated, ''In light of federal budget limitations and increasing expectations for program accountability, ACF's ability to demonstrate effective stewardship over billions of dollars in Head Start grants has never been more critical.''

Working for America Institute

The Department of Labor's Working for America Institute (WFA) was originally funded through the Workforce Investment Act in 1998 which revised job training laws and set up systems of local and state ''Workforce Investment Boards.'' WFA and other organizations were funded across the country to help the new Boards develop their capacity to implement WIA. The Department of Labor phased out the capacity building programs in 2003 after they determined that the Boards had enough capacity and experience with WIA implementation and that funding should instead go to actual service delivery for job training programs. DOL also found that the assistance provided by WFA was duplicative and less effective than similar programs already funded through DOL's Employment and Training Administration which has the primary mission of administering federal job training programs. Despite the duplication and ineffectiveness, WFA received $3.5 million in Congressional funding from 2004–2007.

Small Business Child Care Grants

This brand new program directs the Secretary of Health and Human Services to establish grants to assist states in providing funds to encourage the establishment and operation of employer-operated child-care programs. The program is unnecessary and duplicative. HHS already administers the Child Care and Development Fund which consists of two block grants totaling more than $5 billion annually available to States for providing child care to low income workers. Additionally, states can transfer funds from their TANF block grants for child care assistance. In FY06 States transferred more than $1.8 billion from TANF for child care and could have transferred even more since States left $2.15 billion unspent in their TANF accounts. Another HHS program available to states for various purposes including child care assistance is the Social Services Block Grant. Child care assistance routinely ranks in the top 5 uses for the grant with states spending about $1.7 billion annually on child care assistance. Despite the billions of HHS grant dollars already available and utilized by States for child care assistance, the Small Business Child Care Grant program was funded by Congress at $5 million in 2007.

Dwight D. Eisenhower Memorial Commission

The Commission was authorized in FY2000 to create an enduring Eisenhower National Memorial in the nation's capital. The Commission selected a site for the Memorial and won Congressional approval in 2006. The memorial site is near the Department of Education which was originally created by Ike within the ''Department of Health, Education and Welfare'' which later split into HHS and Department of Education. The Commission's next step is to select a design for the memorial. Since 2000, Congress has allocated $6.35 million to the still unfinished project.

Community Development Block Grants. The Community Development Block Grant, or CDBG, program is a $3.87 billion program housed at the Department of Housing and Urban Development. CDBG transfers federal funds to certain local governments for broad uses such as housing, so-called ''economic development'' activities, social services, and infrastructure. CDBG has insufficient accountability, ambiguous goals, untargeted funding and no standardized outcome indicators. The CDBG formulas used to disperse the funding have not been updated since the late 1970's. As a result, many wealthy communities receive 3–4 times more CDBG funds per capita than many poor communities. As one example of unfair targeting, in 2005, Temple, TX had an average $20,000 per capita income and received $15 per capita in CDBG funds. Meanwhile, wealthy Oak Park, IL averaged $36,000 per capita income and received $39 per capita from the program. Portions of CDBG are used by Appropriators to carve out earmarks for things like aquariums, speed skating rinks, ski chalets, whitewater rapid training centers, boat houses and parking garages. Since 2005, the total cost of these earmarks ranged from $180 to $350 million. During the past 3 years, the Inspector General has audited a miniscule number of CDBG grantees and yet found more than $100 million in waste, fraud and abuse of CDBG funds. If the Inspector General had the resources to comprehensively audit the program, the total waste and abuse of funds could be many times greater.

TV Converter Box Coupon Program. The Department of Commerce TV Converter Box Coupon Program was established in 2005 to help people pay for the equipment they would need to keep their televisions working once all broadcast signals convert to a digital format next year. Starting in January of this year, every household in America became eligible to request up to two $40 coupons from the Dept. of Commerce to pay for converter boxes for their televisions. Columnist George Will, outraged by Congress' willingness to turn television into an entitlement, dubbed the provision that created this program the ''No Couch Potato Left Behind Act.'' Ironically, the $3 billion that was authorized for this program came out of the ''Deficit Reduction Act,'' though it will do nothing but add to the deficit. Even though the administration is only requesting $130 million for FY2009, this program is wasteful in any amount because it uses taxpayer money to pay for private television use at a time of deficit spending.

Official Time for Unions. Federal employees are allowed under current law to do union work while on the clock for their federal government job—this is known as ''official time.'' Between 2002–2004 federal employees consumed 13.6 million hours of official time to do union work, which is equivalent to more than 6,500 full-time work years over that time. Incidentally, there are numerous reports of federal employees who do no work for their employing agencies at all, but are paid entirely to work on behalf of their union. The estimated cost of paying federal employees to do union work over just those three years is about $300–$400 million. This means that taxpayers who might not support the political aims of federal unions are being forced to subsidize their operations on a massive scale. While the Administration started collecting government-wide statistics for official time in 2004, official time has remained stubbornly in place and is badly in need of being addressed by the Congress. Ideally, federal employees would be limited in their ability to do union work no more than 10% of the time, though even that seems far higher than is reasonable.

Additional Examples of Fraud Waste and Abuse of Taxpayer Dollars 2008

National Science Foundation grant money misspent to purchase Waverunner, Widescreen TV, season tickets to football games, a $1,900 frozen-drink-machine, and holographic lighted palm trees. Federal agents recently searched the home of a former Georgia Tech employee who is accused of ringing up more than $316,000 in personal charges on her state-issued credit card, using grant money from the National Science Foundation, federal documents charge. The former administrative coordinator bought more than 3,800 items, including a Waverunner personal watercraft, a wide-screen television, and items ranging from season tickets to Auburn University football games in Alabama to a $1,900 frozen drink machine and holographic lighted palm trees. She also bought an electric double wall oven, dishwasher and high priced Henckel knives for her kitchen. She charged air conditioning units for her RV and had hundreds of packages shipped to her Marietta home, charging thousands of dollars at Web sites such as Amazon.com and Nordstrom. The staggering number of purchases went unnoticed until August 2007, when a tipster contacted the Georgia Tech Department of Internal Auditing, according to the search warrant.''

Local and national taxayers suffer due to poor oversight over D.C. Health Safety network $129 million annual program. The District of Columbia launched the D.C. Healthcare Alliance in 2001. The program, which faced a $40 million deficit last year, provides free care to D.C. residents who earn too little to afford private insurance but too much to qualify for Medicaid benefits, and has a budget this year of $129 million. Lax oversight over the program has opened the door to costly fraud, critics of the program have said. A new audit details the complete failure of the D.C. government to prevent outsiders from ripping off a health care program financed by city taxpayers that is designed to provide a safety net for the city's poorest. One audit finding showed that eleven District addresses, not including homeless shelters, accounted for 271 Alliance members, and another 216 addresses accounted for 1,866 members. The auditor also found that 16,720 of 63,167 Alliance data records contained no Social Security number, which may be explained by a large number of illegal immigrants in the program. The alliance costs the District $212.21 per member per month, meaning local and federal taxpayers are out 1 million a year for every 400 people who scam it. In 2008, $3.9 million come from federal tax dollars.

Ohio Association of Chiefs of Police unit told to halt spending association misspent tens of thousands of Homeland Security grant dollars on services such as lawn care, window washing and pest control. Taxpayers have a right to expect that the millions of dollars from their pockets spent to bolster state's homeland security efforts will have concrete results. Instead, one state agency misspent more than $182,000 in 2005. According to a recent Inspector General report, ''A state agency has ordered the Ohio Association of Chiefs of Police to stop spending homeland security money while a federal auditor reviews allegations of misspending.'' A state audit found the chiefs association has misspent tens of thousands of federal dollars on such services as lawn care, window washing and pest control, and has continued to fail to document hundreds of other costs. The chiefs association was awarded $7 million a year in 2004, 2005 and 2006, tripling a

budget that had been used to train officers and develop crime-fighting programs. The state Emergency Management Agency found incomplete records and irregularities for each of the three years the unit was awarded funds.

2007

Centers for Disease Control (CDC) can't find $22 million in equipment. More than $22 million worth of scientific equipment and other items is missing from the CDC, raising ''troubling issues'' about the Atlanta-based agency's ability to manage its property, according to members of a congressional oversight committee. There were 5,547 items of property, worth more than $22 million, unaccounted for at CDC as of February 22, 2007.

CDC funded Hollywood to help write TV Shows with millions from taxpayexs.

CDC has spent $2.01 million—and plans to spend up to $250,000 in FY08—to fund a Hollywood liaison to help TV shows like ''General Hospital,'' ''The Young & The Restless,'' and ''24'' with their fictitious storylines. CDC used $51,500 in CDC terrorism funds for the Hollywood liaison program. Based on CDC data, the agency spent approximately $6,000 per TV episode consultation. CDC's media affairs office could field questions from the entertainment industry and free up millions in CDC funds for health and biosecurity needs.

NIH paying $1.3 million monthly for unused lab as vibrations still an issue at new Baltimore facility. The federal government has begun paying millions of dollars in rent for a new medical laboratory facility in Southeast Baltimore, but federal scientists, who were supposed to relocate there a year ago, are still months away from moving in. The National Institutes of Health expects it will take three more months to determine whether vibration problems with the building have been fixed and whether all scientists who were supposed to transfer there will be able to. The Sun reported last year that the agency and many researchers feared the vibrations would skew results of sensitive microscopes and other lab equipment. The $250 million building, called the Biomedical Research Center, is on the Johns Hopkins Bayview Medical Center campus. The building has been promoted as a state-of-the-art facility for research programs on aging and drug abuse, and is a cornerstone for redevelopment in the Southeast Baltimore neighborhood. Last month, NIH began paying more than $1.3 million a month in rent and upkeep.

Feds Spending Thousands of Taxpayer Dollars on Social Networking Sites.

Most federal agencies maintain websites publicizing their mission, work and outreach. Some press reports estimate the number of federal websites to be in the range of 20,000. Apparently the proliferation of websites promoting U.S. government federal agencies and their work is not enough. Some agencies, such as the Centers for Disease Control (CDC) at the Department of Health and Human Services, the National Aeronautic and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) at the Department of Commerce are looking towards social networking sites as a new publicity front. NOAA has spent 25,000 for publicity on Care2 networking site to promote 2008 as the ''International Year of the Reef'' and hosts ''virtual island'' on the Second Life site.

Over $100 million in fraud is found in the Federal Employee Health Program.

The Inspector General for the Office of Personnel Management (OPM), the federal agency that administers health benefits for government employees, found that the health benefits program was defrauded of $106 million by participating providers. According to the OIG report, the fraudulent spending came as the result of medical companies overcharging the government or arranging kickback schemes to promote the use of their products. OPM recovered $97 million from a large settlement with one such company, and the largest case resulted in a $155 million settlement from Medco Health Solutions, which provides mail order prescriptions and related benefits to federal employees. The company settled a complaint that it paid kickbacks to health plans to gain their business, took money from drug manufacturers to favor their drugs and destroyed prescriptions to avoid penalties for delays in filling them.

NASA's 4-Star parties cost taxpayers millions as agency pays $4 million a year for resort parties to honor some employees and lots of NASA contractors. On the same day NASA got an emergency $1 billion in extra appropriations from the Senate, and former astronaut and Senator Ben Nelson (D–NE) said, ''Right now we're at a critical point because NASA has been starved of funds,'' NASA put out a bid request for a four-star hotel for its December awards ceremony that will cost taxpayers between $400,0001 and $500,000. A NASA spokesman sat down with CBS News and didn't think the event was frivolous or extravagant. In fact, instead of asking taxpayers if the resort parties should be a priority, he told CBS, ''I think what I would do is ask the people who we have honored to give me an idea if they think this thing was reasonable, if they felt they were honored properly.'' NASA holds such a party every time there's a shuttle launch, for what CBS estimates is about $4 million a year. This December's event will be the third of 2007. Amazingly, when asked by CBS News if NASA was told to cut their party money in half, its spokesman said, ''If we were told that we had to reduce it I think we would reduce the number of honorees rather than trying to go to a poor place or a place that doesn't have good service.''

Snacks Take Big Bite Out of DOJ Budget.—''double-dipping'' for meal reimbursement by DOJ employees increases cost to taxpayers. An internal Justice audit showed the department spent nearly $7 million to plan, host, or send employees to 10 conferences over the last two years. This included paying $4 per meatball at one lavish dinner and spreading an average of $25 worth of snacks around to each participant at a movie- themed party. The report, which looked at the 10 priciest Justice Department conferences between October 2004 and September 2006, was ordered by the Senate Appropriations Committee. It also found that three-quarters of the employees who attended the conferences demanded daily reimbursement for the cost of meals while traveling—effectively double-dipping into government funds. The audit did not compare Justice's conference costs to those at other government agencies.

Pentagon paid $998,798 to ship two 19-cent washers as little oversight lead to blatant abuse of system. A small South Carolina parts supplier collected about $20.5 million over, six years from the Pentagon for fraudulent shipping costs, including $998,798 for sending two 19-cent washers to an Army base in Texas, U.S. officials said. The company also billed and was paid $455,009 to ship three machine screws costing $1.31 each to Marines in Habbaniyah, Iraq, and $293,451 to ship an 89-cent split washer to Patrick Air Force Base in Cape Canaveral, Florida, Pentagon records show.

Untold Millions, Spent on Repetitive ''Bullying'' Programs in Multiple Federal Agencies? One program, HRSA's ''Stop Bullying Now'' was estimated to cost $6.5 million in 2 years. In 2004, the Health Resources and Service's Administration (HRSA) through the Health and Human Services Administration (HHS) launched the program Stop Bullying Now. The extensive website includes a ''stop bullying now jingle,'' 12 games (''Bully-wood Squares,'' connect the dots to reveal the bully, (etc), 12 ''animated webisodes'' featuring characters that ''just might remind you of people you know.'' (see illustration) along with a promise to ''post a new one every couple of weeks,'' along with advice and letters from HRSA's bullying ''experts,'' Senorita Ortega and Mr. Bittner. CNN reported in 2003 that HRSA's bullying program would cost $3.4 million. However, in a response to a July 2006 congressional request, HRSA reported that $6.2 million had been spent since the establishment of the program, almost double the amount of the original estimation. The program was not enumerated in HRSA's 2007 or 2008 budget justifications submitted by the agency to Congress.

Comic Capers at NIH. Congress doubled funding for the National Institutes of Health (NIH) over the past decade. While we haven't discovered a cure for cancer yet, the agency does provide you the opportunity to create and print your very own Garfield comic strips.

$61.7 million in federal AIDS funds went unspent that could have been used to treat patients on AIDS drug waiting lists. An HHS OIG report reveals that bureaucratic inaction at the Health Resources and Services Administration (HRSA), not a lack of federal resources, has contributed to the patient waiting lists for AIDS drugs. ''HRSA did not use the offset authority provided by the CARE Act and HHS grants policy to manage States' unobligated balances. . . . By doing so, HRSA would have had available a larger amount of current-year funding to address program needs. For example, the offsetting option might have been useful in grant year 2002, when 10 States had unobligated Title II balances totaling $61.7 million and 8 States had no balances or small balances and a documented need for additional resources. HRSA stated that it had opted against using the offset authority provided by the CARE Act.

Over $45 million in Title I Ryan White CARE Act funds unspent over 5 year period while AIDS patients wait for drug assistance. The Health and Human Services Inspector General issued a review of unspent Ryan White CARE Act Title I funds (AIDS care grants provided to 51 metropolitan areas in the U.S.) and found that 46 eligible areas carried over more than $45 million in unspent federal funds from two to five years beyond the original budget period between 1999 and 2003. During this period, there were hundreds of patients on waiting lists for AIDS Drug Assistance Programs throughout the country. A number of patients on these waiting lists died in South Carolina, Kentucky and West Virginia.

The Washington Post reported that NIH was paying an employee $100,000 a year to do nothing. According to the article, ''NIH Scientist Says He's Paid To Do Nothing: Agency Denies Administrator's Surreal Situation of Collecting $100,000 Salary for No Work,'' every weekday at 6.30 a.m., Edward McSweegan climbs into his Volkswagen Passat for the hour-long commute to the National Institutes of Health. He has an office in Bethesda, a job title—health scientist administrator—and an annual salary of about $100,000. What McSweegan says he does not have—and has not had for the last seven years—is any real work. He was hired by the National Institute of Allergy and Infectious

Diseases in 1988, but says his bosses transferred the research grants he administered to other workers eight years later, leaving him with occasional tasks more suitable for a typist or ''gofer.''

Letter for Stimulus Rebate Checks. The recently passed stimulus package will provide rebate checks to 130 million households. Before those checks are issued, though, the Internal Revenue Service will send a letter out to each household that will get a rebate check to inform them that the check is on the way. Unfortunately, the cost of sending these pre-rebate letters will be $42 million once the costs are tallied for postage and printing. The letter will not contain the actual rebate, but will merely explain that the stimulus package was passed and what a citizen should do with the check once they receive it. It is not clear why this information could not be provided with the actual check at its time of arrival, leading some to think that the letter serves no higher purpose than to give Congress and the President a pat on the back. Surely, there could be a better use for the $42 million—like giving it back to taxpayers.

Senate Restaurants. The Senate Restaurants, which is overseen by the Architect of the Capitol, operates the Senate cafeterias, catering services, snack shops, vending machine and the Senate Members Dining Room. A recently GAO audit found that the American taxpayers have covered the Senate restaurants' $2.36 million operating losses during the last two combined fiscal years. The operating loss rose from $1.02 million in 2006 to $1.34 million in 2007. After taking in just over $10 million of revenues in 2007, being $1.34 million in the red translates into a 13.4% operating loss for the Senate Restaurants. No business could operate in the private sector with these kinds of losses but this is the kind of waste that we are seeing all throughout the federal government. Prompted, the recent GAO audit, the Senate Committee on Rules and Administration is now seeking an outside vendor to take over operations of the Senate Restaurants.

Unneeded Federal Buildings. The federal government currently owns 21,000 buildings that it says it no longer needs, which are all together worth $18 billion. At the Department of Energy alone, the unneeded property is equivalent to three times the amount of square footage in the Pentagon—the largest building in the world. Unfortunately, the rules and regulations in place make it nearly impossible for federal agencies to sell these buildings in a timely manner on the open market. According to the rules, before an agency sells a property it is required to conduct extensive reviews to determine if the property could be used to meet some public benefit, such as a homeless shelter, school, airport runway or path for telephone wires. If a determination is made that the property could be used in this way, after a process that can take years, it is then available to be given away at no cost to an applicant. In the years that these rules have been in place, 30,000 properties have been required to undergo these reviews, but only a fraction of a percent of have ever been given away. Unfortunately, because all properties are required to undergo this process there is a tremendous bottle-necking effect, preventing agencies from selling unneeded properties. This hurts agencies in two ways: first, it means that agencies are deprived of the money that they could earn by selling the property, and second, it means that agencies are required to pay for upkeep of buildings they don't need. Instead of allowing these properties to be sold on behalf of taxpayers, Congress has chosen to keep the rules in place and wasted the opportunity to make $18 billion.

2010 Decennial Census. The 2010 Decennial Census will use a six-question survey to count every person in the country, as required by the Constitution for apportioning the House of Representatives. The Census Bureau has recently estimated that the overall cost of the census would be $11.8 billion, which is nearly double what was spent to conduct operations in 2000. More recently, though, we have found out that the Bureau has so grossly mismanaged a $600 million contract for handheld computers that cost overruns as high as $2 billion are possible. Most of this cost would be the result of needing to abandon the handheld computers in favor of conducting the census entirely by paper. Due to the recent revelations, the Government Accountability Office has placed the 2010 Census on its High Risk List, which is reserved only for the most problematic programs in the federal government.

Mr. COBURN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by commending my friend from Oklahoma, who I think makes some very important points. There is no question that there is an enormous amount of waste and fraud and abuse in this Government. There is no question, in my mind, that Congress has not been vigilant enough in rooting out that waste and fraud to the tune of billions and billions of dollars.

I would simply say that while it is absolutely appropriate to condemn the Congress, it is also important to note that we have an administration in this city, in Washington, DC, and the function of an administration is to administer. That means that when there is waste and fraud, you have an administration that should also be on top of that situation. And I think of the many failings of the Bush administration, which, in my view, will go down in history as one of the worst in our country's history—clearly their overall incompetence will be one of those areas people will focus on.

The second point I would make—and I see my friend from Oklahoma has left—is that he is absolutely right that a $9.2 trillion national debt is unsustainable. But one of the areas I don't believe he mentioned in terms of driving up that national debt is the war in Iraq.

Now, we can have a great debate about the wisdom of that war. I voted against it when I was in the House. I think we should bring our troops home as soon as possible. But right now, we are not on the war, we are on the budget. And the question regarding the budget is, For all those people who support the war, why don't you pay for the war now rather than forcing our kids and grandchildren to pay to the tune of $150 billion a year? And some say the cost of this war eventually will run into the trillions of dollars. So all of those people who talk about fiscal irresponsibility refuse not to pay for the war.

I was reading a book about Dwight David Eisenhower, and in the book it points out that during the Korean war, Truman imposed a surtax on people's personal income tax and an excess-profits tax in order to pay for the war. I don't see the advocates of the war in Iraq coming forward and saying: We don't want to leave that burden of $150 billion a year to our kids and grandchildren, so we are going to come up and pay for it now. I didn't hear my friend from Oklahoma raise that issue.

I hear other people coming to the floor and they say: Well, we have this tremendous national debt, and they have pictures of the kids, and yet they propose to completely eliminate the estate tax, which over the course of 20 years will cause us a loss of $1 trillion. How is that going to be paid for? Oh, I guess we don't have to pay for it. I guess we can just pass that on to the kids. So I think that some of our friends who talk about fiscal responsibility might, in fact, want to pay for this war today, not pass it on to future generations. And when they are talking about giving huge tax breaks to the wealthiest people in this country, let them understand that is all they are doing, is driving up the national debt so that our kids and grandchildren will be forced to pay for that.

We are in the midst of a debate about the budget, and as you know a budget is a lot more than just numbers; it reflects the values and the priorities of our Nation. And when we look at what is going on in this country, as important as a $9.2 trillion national debt is, it is not the only issue of importance. What is also important is to understand today what is going on in terms of the needs and the lives of middle-class and working people.

One of the realities we do not talk about very much today is that poverty in America is increasing. In fact, since President Bush has been in office, almost 5 million more Americans have joined the ranks of the poor. That is part of the Bush economy. We now have almost 36.5 million Americans who are living in poverty. Many of these people are working, and they are working 40 or 50 hours a week, but they are making 8 bucks an hour, they are making 7 bucks an hour, and they are just not making enough money in order to lift themselves out of poverty. In fact, the United States of America today has the highest rate of poverty of any major nation on Earth, and that is an issue which we should address here in the Senate.

When we are talking about Americans living in poverty, we are not, of course, just talking about adults. Tragically, we are also talking about children. I know our President and many others talk about family values. Well, this is not a family value. Under President Bush's administration, since he has been in office, 1.2 million more children are now living in poverty, and we have almost 13 million kids in this country who live in poverty. That is not a family value. That is a national disgrace. As a matter of fact, the United States has the dubious distinction of having the highest childhood poverty rate in the industrialized world.

I hear some of my friends coming to the floor to compare this or that aspect of American society or our tax policy with Europe and other countries. Well, I think it is important that we look at this chart—how we treat our children.

What this chart shows is that Finland, Norway, and Sweden all have childhood poverty rates of less than 5 percent. Switzerland, Belgium, Austria, France, Denmark, and Germany all have childhood poverty rates of less than 10 percent. The Netherlands has a childhood poverty rate of slightly more than 10 percent. But in the United States of America, the childhood poverty rate is 21.9 percent, or more than double that of France, Germany, Austria, or the Netherlands.

Now, why is that an important fact? It is important, obviously, that the children are vulnerable; that as adults, we are responsible for the children and we are failing those children. But it is also important to note that we have, as a nation, more people behind bars, incarcerated, than any other nation on Earth, including China. And if anyone thinks there is not a direct correlation between high poverty rates for kids and kids who mentally drop out of society, get involved in self-destructive activity at young ages, and then end up in jail, you would be kidding yourself. And the issue here is whether we address this crisis of 21 percent of our kids living in poverty, whether we provide for those kids or, 15 or 18 or 20 years later, whether we lock them up at $50,000 a pop.

There have been recent discussions about the economy, whether we are in a recession or entering a recession. But the truth is, despite President Bush's assertions, this economy has been a disaster for middle-income and working families from day one. Since President Bush took office in 2001, median household income for working-aged Americans has declined by almost $2,500. That is what we call the collapse of the middle class. Over 8½ million Americans have lost their health insurance. That is what we call the disintegration of the health care system in America. Three million workers have lost their pensions. And the idea of a defined pension program is increasingly becoming ancient history. More and more workers are wondering what is going to happen to them when they retire, and the idea that there will really be a defined pension program for them when they retire, that is not something most workers, especially younger workers, believe.

The annual trade deficit since President Bush has been in office has more than doubled, and over 3 million good-paying manufacturing jobs have been lost. The price of gas at the pump and home heating oil has more than doubled, while ExxonMobil made $40 billion in profits last year—more than any company in the history of the world. That is $3.20 for a gallon of gas, which working people in Vermont can't afford. Workers in Vermont often travel long-distance to and from work. And $40 billion in profit for ExxonMobil. Home foreclosures, of course, are now the highest on record. Meanwhile, while the middle class is shrinking and poverty is increasing, the wealthiest people in this country have not had it so good since the 1920s.

My friend from Oklahoma mentioned that there are issues we just don't talk about, and he has a point. But one of the issues we don't talk about in this body—for pretty obvious reasons, to my mind, because who pays for the campaigns around here—is the growing disparity, the outrageous disparity of income and wealth in this country.

What this chart shows is that the wealthiest 1 percent of the population now owns 34 percent of the Nation's wealth, while the bottom 90 percent owns only 29 percent of our wealth. That is here.

So what you see is the richest 1 percent owns more wealth than the bottom 90 percent. Is that what America is supposed to be about? Is that the kind of society we want? There is a lot of discussion that takes place on the floor of the Senate, in the House, about the economy. But at the end of the day, when you look at the economy, what is important, most important, is not economic growth, not GDP, what really is most important is what is happening to the average person.

You can have all of the growth you want, and you can see ordinary working people experiencing a decline in their real wages. You can see a lot of wealth being created, but it does not mean a whole lot to ordinary people if most of that income and wealth is going to the people on top.

The bottom line is that in the economy there are winners and losers. It is very clear that in the economy today, the middle class is losing. Lower income people are being decimated while the upper income people have never had it so good.

I know my friends in the Senate on both sides of the aisle—I speak as an Independent—hesitate to talk about that issue. But it is imperative that we do talk about it. Let me go to another chart.

This chart talks about the economy in terms of how different groups are doing. This chart shows that the wealthiest 1 percent saw its total income rise by $180,000 in 2005 or more than what the average middle-class family makes in 3 years. This is the rise in income, not what they make; this is just their increase.

So the wealthiest 1 percent are doing phenomenally well. That is on average. That is a pretty good year, on average, seeing an increase of $180,000 in the year 2005. This is according to the Congressional Budget Office.

Meanwhile, the average middle-class family received a $400 increase. That is that small little box down here, an increase in annual income in 2005.

CBO also found that the total share of aftertax income going to the top 1 percent hit the highest level on record, while the middle-class and working families received the smallest share of aftertax incomes on record.

So when people understand in their gut that what is happening is the middle class is shrinking and the rich are getting richer, well, that is what it is about. That is the fact. That is precisely what is happening in America.

In addition, according to Forbes magazine, the collective net worth of the wealthiest 400 Americans—400 Americans, that is not a lot of people—increased by $290 billion last year, increased by $290 billion to a total of $1.5 trillion. Not only have the wealthiest 400 families, the richest 400, seen an increase in their wealth, their combined income has more than doubled from 2002 to 2005.

At the same time, the average income tax paid by the wealthiest 400 Americans has fallen from 30 percent to 18 percent. That is not BERNIE SANDERS, that is according to the Wall Street Journal. The reason the average income tax for the wealthiest people who are making astronomical sums of money, why that has been cut in half, is mainly due to Bush's tax cuts, according to the Wall Street Journal.

The middle class is shrinking, poverty is increasing, and the wealthiest people have not had it so good since the 1920s. That is an overview of the state of our economy.

Now, why do I raise these issues? I raise these issues because if we truly do not understand what is going on around our country in the lives of ordinary people, people who cannot afford to fill up their gas tank, cannot afford a college education for their kids, cannot afford childcare, cannot afford to take care of their parents, if we do not understand that reality, it is pretty hard for this body to make good public policy.

The question then is, what do we do? What do we do? Well, President Bush gave us his answer in his budget. What President Bush, in his budget, said is, at a time when the richest people in America are becoming richer, what should we do? Well, let's give them even more tax breaks. That makes a lot of sense to the richest people in America and George W. Bush.

And what did he say to the poorest people in America? Well, poverty is increasing. There is a level of desperation going on in this country that we have not seen in many years. So at a time when poverty is increasing, what do we do? Well, according to George W. Bush, you cut back on the aid and programs that help low-income and middle-income people. That is precisely what Bush's budget was about; one of the more absurd documents that I have ever seen in my life.

Fortunately, that budget has been placed where it belongs; that is, in the garbage can. We are now debating a much different budget, a budget that is far better, the budget that we have before us. I am proud to be a member of

the Budget Committee, working with Chairman CONRAD, on a far better budget than the President's budget.

But, in my view, we can make improvements on it. We can do better than the budget we are now debating. To that regard, I will be introducing an amendment, and I want to thank the Presiding Officer for being one of the cosponsors of that amendment.

Let me very briefly talk about that. It seems to me, as we look at some of the trends that we should be addressing in this budget, at least three come to mind. No. 1 is the middle class is declining, No. 2 is our children are suffering, and No. 3 is that we have, among other things, a major infrastructural crisis in this country.

It is my view that we need a budget which will address some of those issues. I am very proud I will soon be introducing an amendment which is being cosponsored by Senators CLINTON, DURBIN, KENNEDY, HARKIN, SCHUMER, MIKULSKI, and BROWN.

This amendment is a pretty simple one. It puts the needs of our children, it puts the needs of our working families and people with disabilities and senior citizens ahead of the wealthy few.

At a time when our Presidential candidates in both parties are talking about change, change, and change, at a time when the American people overwhelming understand that it is imperative that we move this country in a different direction, this amendment can begin the process of change right here in the Senate, and, in fact, change our national priorities.

The choice the Senate will have in terms of this amendment is a pretty simple one: Do we continue to give tax breaks to the very wealthiest people in this country, people who have never had it so good, or do we invest in our children, our working families, and those people who are in need?

What this would do is restore the top income tax bracket to 39.6 percent for households earning more than $1 million per year. Those are the only people who would be affected. And we would use that revenue to begin to address some of the most urgent, unmet needs of our children. We would address the issue of job creation; we would address the issue of deficit reduction.

Now, 99.7 percent of Americans would not be impacted by this tax change, only the top three-tenths of 1 percent would see their income tax rates go back to where they were during the Clinton administration when few would deny that the economy was far stronger than it currently is.

According to the Joint Tax Committee, restoring the top income tax brackets for people making more than $1 million to what it was in 2000 would increase revenue by about $32.5 billion over the next 3 years, including $10.8 billion in 2009 alone.

So here is the choice. We can continue over a 3-year period to give $32.5 billion in tax breaks to the top three-tenths of 1 percent, people who economically are doing phenomenally well today, or we can invest it in the people in our country and use some of that for deficit reduction.

What could we do with $32.5 billion? Well, let me tell you. We could, as our amendment does, expend $10 billion for the Individuals with Disabilities Education Act; that is, special education.

Over 30 years ago, the Federal Government made a promise that it would fund 40 percent of the cost of special education. Unfortunately, today we only spend about 17 percent of the cost of special ed. I know in Vermont—I do not know about Ohio, but I can tell you that in Vermont, in school district after school district, property taxes are going up. And one of the reasons is the very high cost of special ed. You are seeing more and more kids coming into the system who have special ed needs.

Educating those kids is very expensive. The Federal Government has not kept its promise in adequately funding special ed. So it is the local property tax payers who have to pick up the cost. By putting $10 billion more into special ed, not only can we help people stabilize their property taxes, but we can pay more attention to the kids with special ed needs. And both of those goals, to my mind, are goals that we should strive for.

This amendment would also increase Head Start funding by $5 billion over the next 3 years. After adjusting for inflation, Head Start has been cut by over 11 percent compared to fiscal year 2002. Meanwhile, less than half of all eligible children are enrolled in Head Start, and only about 3 percent of eligible children are enrolled in Early Head Start. This amendment would begin to correct this situation.

What Head Start is about is what its title indicates. What we have known for a very long time is the most important intellectual and emotional years of a human being's life are their earliest years. If kids are not exposed to books and they are not exposed to ideas and they are not learning how to socialize and they do not have good emotional development, those kids are going to go off in a bad direction. And what Head Start was about, and what Head Start has been successful about, is giving kids the opportunity so that when they get into kindergarten and first grade, those kids will then be in a position in which they can learn effectively and can socialize well with their peers.

Head Start works. The problem right now is that it is inadequately funded, and millions of families simply cannot get into this very good program.

In addition to funding special education and Head Start, my amendment would also provide a $4 billion increase for the childcare development block grant. One of the issues that we very rarely discuss in the Senate but that every working family with young children knows is a major crisis in America is the lack of availability of childcare, affordable, quality childcare.

How many millions of kids are now being minded by untrained people and being stuck in front of a television set for 8 hours a day? And what an unfortunate circumstance that is for our little kids, especially at a time when most women work and are entitled to good quality childcare. This amendment would provide funding to help do that.

This amendment would also provide a $3.5 billion increase to the Food Stamp Program. Hunger in America—I know you know, Mr. President, because you and I are working on an issue to address this—is increasing. Food pantries are running out of food. That should not be taking place in this country. So what we do is add $3.5 billion more to the Food Stamp Program.

In my State of Vermont, it gets pretty cold. That is true in many other States. Meanwhile, the price of home heating oil is soaring. You have many people who are having a difficult time paying their heating bills. This amendment would increase the very successful Low-Income Home Energy Assistance Program, often called LIHEAP, by $4 billion.

The bottom line is nobody in America should go cold in the winter.

Furthermore, this amendment would provide $3 billion for school construction. There are kids who are going to schools that are outmoded. They are decrepit. They are not energy efficient. We can create a lot of good jobs. We can improve the quality of education by building modern schools and upgrading the schools that currently exist. We put $3 billion into that.

Finally, at a time of record-breaking deficits, this amendment would reduce the deficit by $3 billion.

I am happy to inform my colleagues that this amendment has been endorsed by over 50 groups, including the AFL–CIO, AFSCME, the National Education Association, Children's Defense Fund, the American Federation of Teachers, Easter Seals, the YWCA, the National Head Start Association, the SEIU, and the National Organization for Women.

Let me quote from a letter I received from all of these groups:

> The economic downturn is creating crisis for parents who work hard but struggle to afford nutritious meals as food prices escalate; to pay for energy for their homes and fuel for their cars; to pay for child care so that they can work; and to assure that their young children receive the building blocks of a solid education to prepare them for the future. Programs that assist in meeting these needs have been cut significantly in recent years, while tax breaks for millionaires have soared. Your amendment addresses these needs. . . .We are urging the Senate to adopt your fiscally responsible amendment to address the pressing needs of working families while restoring greater progressivity to the tax system.

The choice is clear. We can provide $32.5 billion in tax breaks to millionaires and billionaires who don't need it or we can begin to meet the unmet needs of our children. That is what this

amendment is about. I look forward to the support of my colleagues, not just in passing this amendment but in beginning the process of moving this great country in a very different direction.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Wednesday, March 12, 2008.

Thereupon, the Senate, at 8:52 p.m., adjourned until Wednesday, March 12, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

MISSISSIPPI RIVER COMMISSION

WILLIAM CLIFFORD SMITH, OF LOUISIANA, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

REAR ADMIRAL JONATHAN W. BAILEY, NOAA, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

AFRICAN DEVELOPMENT BANK

MIMI ALEMAYEHOU, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE CYNTHIA SHEPARD PERRY, TERM EXPIRED.

THE JUDICIARY

KIYO A. MATSUMOTO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE EDWARD R. KORMAN, RETIRED.

CATHY SEIBEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE RICHARD CONWAY CASEY, DECEASED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MITCHELL H. STEVENSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. SCOTT A. WEIKERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BRUCE A. DOLL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEVEN M. TALSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARK J. BELTON
CAPT. NICHOLAS T. KALATHAS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

LONNIE B. BARKER
GERALD S. HENRY
HARRY P. MATHIS III
SCOTT A. OFSDAHL
JERRY P. PITTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

SUSAN S. BAKER
DONALD COLE
JOHN L. FLYNN
DAVID W. GARRISON
LORN W. HEYNE
JOSEPH C. KENNEDY
RACHEL H. LEFEBVRE
JOHN M. LOPARDI
DONALD T. MOLNAR
WILLIAM D. PARKER
DAVID W. PFAFFENBICHLER
PORTIA A. PRIOLEAU
ROBERT F. ROCCO
JAIME L. ROSADO, JR.
JIMMY L. STERLING
RICHARD N. TERRY
TIMOTHY VALLADARES
KIRSTEN F. WATKINS
JON C. WELCH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID A. BARGATZE
GWENDOLYN M. BEITZ
VICKI A. BELLEAU
JOHN W. BELLFLOWER, JR.
ROBERT E. BEYLER
MICHAEL R. BIBBO
MICHAEL A. BURNAT
MECHEL A. CAMPBELL
MICHAEL D. CARSON
THOMAS P. CONDIE
GARRETT M. CONDON
CHAD W. COWAN
TIMOTHY M. COX
JEREMIAH P. CROWLEY
SUANNE M. CROWLEY
JUSTIN R. DALTON
DEANNA DALY
JOHN A. DANIELS
JEREMY K. DAVIS
JOSEPH E. FOURNIER
COREY G. FULLMER
BRYON T. GLEISNER
JEFFREY L. GREEN
JARED L. GRIMMER
TROY D. HAMMON
JOHN C. HARWOOD
TROY S. HEAVENER
CHRISTINA M. JIMENEZ
ERIC M. JOHNSON
MICHELLE M. KASPEREKSAID
CYNTHIA T. KEARLEY
CHRISTY J. KISNER
LAURA L. LAMPMAN
STEVEN G. LOERTSCHER
JEFFERSON E. MCBRIDE
MICHAEL D. MCCOY
ROGER A. MCILLECE
ERIC P. MERRIAM
RYAN D. OAKLEY
RICHARD S. OBRIEN
ANTHONY D. ORTIZ
LYN T. PATYSKIWHITE
KRISTINA D. PENTA
TRINH W. PETERSON
DERIC W. PRESCOTT
ELIZABETH D. PULLIN
BRYAN O. RAMOS
THEODORE T. RICHARD
ASHLEY K. RICHARDS
CLAYTON D. RICHTER
JASON S. ROBERTSON
ELLIOT R. SELLE
TODD I. SHUGART
JEANETTE E. SKOW
STEVEN J. SMART
MICHAEL R. SUBERLY
SHAWN C. TABOR
LAUREN M. TORCZYNSKI
DAVID M. TUCKER
JAMES D. VOLTZ
PATRICIA S. WIEGMANLENZ
RICHARD A. WILLIAMS
MATTHEW D. WINFREY
LANCE J. WOOD
AARON E. WOODWARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHRISTIAN L. BISCOTTI
RICHARD B. BLACK
KIM L. BOWEN
MICHAEL R. CURTIS
STEVEN T. DABBS
JEFFREY D. GRANGER
JAMES A. HAMEL
RANDALL W. JAMIESON
SCOTT A. JOBE
DWAYNE A. JONES
DAVID W. KELLEY
MARTIN L. KING
ALAN G. MADERA
BRIAN E. MCCORMACK
ANDREW G. MCINTOSH
MICHAEL D. MYERS
MICHAEL S. NEWTON
ARTHUR T. PAINE
JAMES L. PARRISH
JASON E. PETERS
JAMES F. RICHEY
TIMOTHY S. ROSENTHAL
JOHN W. SHIPMAN
ROBERT A. SUGG
DANIEL W. THOMPSON
WILLIAM K. THORNTON
JONATHAN H. WADE
DANIEL K. WATERMAN
BARRY K. WELLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARK E. ALLEN
TERESA H. BARNES
ROBERT F. BOOTH
JEFFREY BRANSTETTER
ROBERT C. BURTON
DAVID M. CUNNINGHAM
BRETT W. DOWNEY
JEFFREY A. FERGUSON
MICHAEL W. GOLDMAN
DARREN C. HUSKISSON
DIANA L. JOHNSON
JOSHUA E. KASTENBERG
MICHAEL A. LEWIS
CHARLOTTE M. LIEGLPAUL
TRACEY Y. MADSEN
BRYAN T. MARTIN
TODD E. MCDOWELL
MARTIN T. MITCHELL
IRA PERKINS
DEAN N. REINHARDT
NATALIE D. RICHARDSON
THOMAS A. ROGERS, JR.
DEREK S. SHERRILL
JOHN D. SMITH
CYNTHIA B. STANLEY
ERIK A. TROFF
RACHEL E. VANLANDINGHAM
REBECCA R. VERNON
MATTHEW S. WARD
BRYAN D. WATSON
PATRICK J. WELLS
ERIC J. WERNER
LYNNE A. WHITTLER
CHARLES E. WIEDIE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KERRY M. ABBOTT
WALTER W. BEAN
KEVIN W. CODY
KENNETH G. CROOKS
KELVIN G. GARDNER
MICHAEL W. HUSFELT
RANDALL E. KITCHENS
KEITH D. MUSCHINSKE
RICHARD P. NOVOTNY
KENNETH A. REYES
SAMUEL T. RORER III
JERRY E. SATHER
DENNIS A. SAUCIER
JAMES D. TIMS
TIMOTHY T. ULLMANN
RICHARD M. WARNER
CARL W. WRIGHT
WILLIAM F. ZIEGLER III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD T. BROYER
MELANIE C. CARINO
MELISSA L. CHECOTAH
JASON D. EITUTIS
PATRICIA D. FOWLER
SABINA C. GARRETT
JOHN F. GINNITY, JR.
KEITH A. HIGLEY
MICHAEL R. HOLMES
RANDALL C. LAMBERT
PATRICK A. MARTINEZ
MARK R. MEERSMAN
JOSELITO C. MENESES
SEAN P. MURPHY
ROBERT M. PAZ
KATHY PFLANZ
RICHARD K. SMITH
SCOT S. SPANN
MARVIN W. TODD
ANDREA C. VINYARD
THOMAS E. WILLIFORD
BRYAN E. WOOLLEY
BRIAN K. WYRICK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN T. AALBORG, JR.
DAVID W. ABBA
SHANE L. ABRAHAMSON
TERRENCE A. ADAMS
LANCE K. ADKINS
TIMOTHY W. ALBRECHT
MARSHA L. ALEEM
KRISTAL L. ALFONSO
PAUL A. ALFONSO, JR.
ROBERT E. ALLARD
GREGORY S. ALLEN

DAVID W. ALLGOOD
LUCIANO H. AMUTAN
STACEY L. ANASON
BRET D. ANDERSON
CAROL D. ANDERSON
GREGORY J. ANDERSON
JASON ANDERSON
MARK C. ANDERSON
RESTI Z. ANDIN
THOMAS P. ANGELO
RONJON ANNABALLI
BRIAN S. ARMSTRONG
SERENA A. ARMSTRONG
BRIDGETT S. ARNOLD
SAM ARWOOD
WILLIAM B. ASHWORTH
MATTHEW D. ATKINS
JAMES B. AUSTIN
JOHN C. AYRES IV
ROY C. BACOT
EWING M. BAILEY
TIMOTHY D. BAILEY
GREGORY C. BAINUM
DONALD E. BAKER III
JARVIS R. BAKER
VALERIE K. BAKER
KENNETH E. BALKCUM
JAMES G. BANDS V
RAYMOND M. BARBEN
ZACHERY C. BARBER
ROBERT S. BARKER
THOMAS E. BARNETT
MARK A. BARRERA
SHANE A. BARRETT
KEVIN J. BASIK
CURTIS R. BASS
BRADLEY S. BAUGH
BRIAN M. BAUMANN
MICHAEL J. BEACH
W. B. BEAUMONT
BARRY N. BEHNKEN
WILLIAM D. BELEI
BRENT D. BELL
WILLIAM S. BELL
KENNETH J. BELMEAR
MATTHEW P. BENIVEGNA
CHRISTOPHER L. BENNETT
EARL R. BENNETT, JR.
JORGE E. BENNETT
TIMOTHY M. BENNETT
SHERI G. BENNINGTON
DAVID M. BENSON
JOSEPH T. BENSON
TODD D. BERGE
CHRISTOPHER J. BERGSTOL
TODD M. BERRIER
JON F. BERRY
CAROL A. BEVERLY
MICHAEL D. BIORN
WENDY S. BIRCH
BRADLEY C. BIRD
BYRON K. BIROTTE
ARNO J. BISCHOFF
DAVID M. BISSONNETTE
JEFFREY A. BLACKMAN
STEVEN R. BLAIR
JONATHAN N. BLAND
RAYMOND W. BLANEY
DEBORA L. BLOOD
JASON J. BOCK
HARLIE J. BODINE
KARL B. BOEHLE
JEREMY S. BOENISCH
BRIAN J. BOHENEK
CHRISTOPHER A. BOHN
JUSTIN W. BOLDENOW
CHARLES D. BOLTON
JOHN S. BOMMER, JR.
PETER M. BONETTI
THOMAS A. BONGIOVI
DARIN G. BOOTH
UNES A. BOOTH
SEAN L. BORROR
MICHAEL BORYS
RANDY L. BOSWELL
JOSEPH G. BOUCHARD, JR.
THOMAS G. BOUSHELL
WILLIAM D. BOWMAN
TREVOR J. BOYKO
BENJAMIN L. BRADLEY
SHAWN P. BRADY
RICHARD D. BRANAM
JOSEPH D. BRANDS
SUZANNE E. BRAUNSCHNEIDER
BRADLEY E. BRIDGES
JOHN T. BRINER
TAB A. BRINKMAN
JEFFERY L. BROOKS
KEVIN D. BROOKS
STEPHEN R. BROOKS
PATRICK A. BROWN
PAUL M. BROWN
WILLIAM W. BROWNE III
ERIK J. BRUCE
EMILLE M. BRYANT
WILLIAM D. BRYANT
KEITH E. BRYZA
KEVIN L. BUDDELMEYER
DARWINA S. BUGARIN
AARON D. BURGSTEIN
KAREN M. BURKE
BRIAN D. BURNS
JEFFREY B. BURRELL
JASON P. BUSH
LEE A. BYERLE
ROBERT R. CADWALLADER II
SCOTT A. CAIN
WILLIAM T. CALDWELL
ROBERT S. CALLIHAN
RENEE N. CAMPBELL
SCOTT C. CAMPBELL
MANUEL M. CANINO
SEAN J. CANTRELL
LARRY D. CARD II
KEVIN P. CARLSON
ROBERT W. CARNEAL IV
TRENT R. CARPENTER
DOUGLAS T. CARROLL
MARCUS D. CARTER
JOHN J. CASEY IV
KENNETH W. CHALOUX
STEPHEN P. CHAMBAL
RHETT D. CHAMPAGNE
CAMILLE Y. CHANDLER
DAN J. CHANDLER
JENNIFER V. CHANDLER
ERIC D. CHAPITAL
BRIAN K. CHAPPELL
MICHAEL A. CHARECKY
RAVI I. CHAUDHARY
JULIAN C. CHEATER
DANE J. CHRISTENSEN
GLEN E. CHRISTENSEN
TERRY L. CHRISTIANSEN
MARK D. CINNAMON
GEORGE T. CLARK
ADRIAN N. CLARKE
JOHN C. CLAXTON
STACY M. CLEMENTS
DONALD W. CLOUD
GERALD M. CLOUSE
FRANCIS A. CLOUTIER IV
PATRICK CLOWNEY
SCOTT S. COBURN
ALICE A. COFFMAN
DALE L. COFFMAN
BRANNEN C. COHEE
JERAME COHEN
DAVID A. COLANGELO
OMAR S. COLBERT
RICHARD O. COLE
MICHAEL W. COLLIER
JOHN W. COLLINS
JOSEPH A. COLLINS
ROY W. COLLINS
JACK B. COLQUITT, JR.
MICHAEL W. CONNOLLY
PAMELA A. COOK
RICHARD T. COONEY, JR.
JEFFREY T. COOPER
ROBERT B. COPES
SCOTT M. CORBITT
CHRISTOPHER L. CORLEY
THOMAS J. CORMICAN
HEIDI E. CORNELL
GUY C. COTE
KONRAD S. COTE
RONALD A. COUTU, JR.
VERONICA CRUZ COWHER
TIMOTHY J. COX
CAVAN K. CRADDOCK
DEREK M. CRINER
EUGENE M. CROFT
EDWARD R. CULBRETH
FRED R. CUNNINGHAM
LEE E. CUROE
JAMES M. CURRY
DAVID A. CUTTER
JOHN W. DABERKOW
CARLOS A. DALMAU
ROBERT A. DAM
KIMBERLY A. DAMALAS
JAMES P. DAMATO
BRIAN K. DANIELS
MARC A. DAUTEUIL
CHARLES E. DAVIS
CHRISTOPHER M. DAVIS
DAWN M. DAVIS
LELAND A. DAVIS
MARK J. DAVIS
SCOTT W. DAVIS
WILLIAM A. DAVIS
ANDREW R. DEAN
JEFFREY L. DEANS
JAMES R. DEHAAN
CHRISTOPHER J. DEJESUS
JOE A. DELCAMPO
MARK D. DELVECCHIO
JAMES L. DENTON
CHRISTOPHER S. DESALLE
CHRISTOPHER S. DESLONGCHAMP
JOHN M. DESTAZIO
JOHN R. DEYONKE
STAN S. DIAMANTI
JEFFREY R. DIBIASI
MARK DICARLO
BARRY A. DICKEY
CLAY W. DICKINSON
SCOTT A. DICKSON
GEORGE T. DIETRICH III
ROBERT A. DIETRICK
JAMES R. DISHAW
KEVIN L. DOLATA
ORLANDO J. DONA, JR.
FRANCES K. DORISH
DOUGLAS E. DOWNEY
ROBERT O. DOWNS
TIMOTHY E. DREIFKE
LYLE K. DREW
SHANNON N. DRISCOLL
SHANE C. DUCOMMUN
JOHN F. DUDA, JR.
DANIEL J. DUFFY
ROBERT L. DUFOUR
ERIC C. DUNCAN
DAVID B. DUNN, JR.
JOSEPH B. DUNN
ELVEN E. DUVALL IV
JEFFREY W. DYBALL
AARON B. DYKE
KENDRA A. EAGAN
PATRICK S. EBERLE
CHRISTOPHER D. ECHOLS
JASON S. EDELBLUTE
KENNETH S. EDGE
CHRISTOPHER K. EDWARDS
JOHN R. EDWARDS
NATHAN J. ELLIOTT
DAVID G. ELLISON
ERIC G. ELLMYER
JULIANNE E. EMMOLO
TROY L. ENDICOTT
MICHAEL T. ERDMANN
JOHN O. ERICKSON
OSCAR E. ESPINOZA
TIMM N. ESTENSON
LARRY A. ESTES
PAUL G. ETTINGER
DUSTIN S. EVANCHO
TERRY L. EVANS II
LORI R. EVERITT
CHARLES A. EVITTS
ROBERT D. FASS
RODNEY L. FAUTH, JR.
ERIC J. FELT
DANIEL E. FERRIS
PETER M. FESLER
RONALD J. FEY, JR.
THOMAS D. FICKLIN
KIRT E. FIESBECK
RICHARD H. FILLMAN, JR.
WILLIAM D. FISCHER
MATTHEW D. FISHER
DEAN A. FITZGERALD
MICHAEL J. FLATTEN
JOSEPH E. FLETCHER
LARRY A. FLOYD, JR.
THOMAS E. FOCARETO
ROBERT T. FOLSOM
WILLIAM A. FOSTER
MICHAEL W. FOWLER
SETH C. FRANK
STEPHEN P. FRANK
PHILLIP V. FRANKLIN
TIMOTHY P. FRANZ
LORINDA A. FREDERICK
RYAN J. FREDERICK
ROBERT C. FREDERIKSEN
PAMELA M. FREELAND
KYLE J. FREUNDL
MATTHEW T. FRITZ
DAVID W. FUJIMOTO
JOSEPH M. FULTON
JOHN T. GABRIEL
CHARLES S. GALBREATH
JARRARD A. GALBREATH
ROBIN GALLANT
HEATHER L. GALLUP
DANIEL S. GANOZA, JR.
CHARLES M. GAONA
ELVERT L. GARDNER
RUSSELL S. GARNER
DANIEL J. GAROUTTE
LAURA K. GARRETT
TODD A. GARRETT
JOEL W. GARTNER
MICHAEL L. GAUTHIER
PAUL F. GEEHRENG
THOMAS A. GEISER
CHERYL M. GERHARDSTEIN
CAROL H. GERING
GEORGE E. GERMAN
KEITH H. GERMAN
DARIN A. GIBBS
RICHARD W. GIBBS
BRIAN W. GIENAPP
TROY A. GIESE
KEVIN W. GILBERT
MICHAEL L. GILCHRIST, JR.
TIMOTHY W. GILLASPIE
TIMOTHY T. GILLESPIE
BRADFORD W. GILLETTE
GREGORY M. GILLINGER
DOUGLAS W. GILPIN
DAVID J. GINGERICH
DANIEL E. GISSELQUIST
AARON W. GITTNER
GERARD G. GLECKEL, JR.
JEFFRY W. GLENN
RICHARD GLENN
MATTHEW R. GLOVER
SIDNEY W. GOEHRING
KATHY K. GOFORTH
JOHN M. GONDOL
RICHARD S. GOODLETT
RICHARD E. GOODMAN II
RALPH A. GORDON
STEPHEN T. GRACE
LASHEECO B. GRAHAM
TREIA M. GRAHAM
VANESSA M. GRANT
WALTER D. GRAVES
MICHAEL R. GREEN
NATHAN C. GREEN
MATT E. GREENE
ANDY J. GREENFIELD
BARON V. GREENHOUSE
BRYAN D. GREENSTEIN
DAVIS F. GREENWOOD
MICHAEL S. GREMILLION
JAMES S. GRIFFIN

TYRONE L. GROH
BRENT A. GROMETER
JULIE A. GRUNDAHL
GARY K. GUALANO
TY D. HACHTEL
MELANIE A. HADDOCK
TODD B. HALE
DARREN L. HALL
JAMES K. HALL
LOUIS J. HALLENBECK
JONATHAN T. HAMILL
DOUGLAS A. HAMLIN
LONNIE P. HAMMACK
VICTOR A. HAMMOCK
MICHAEL T. HAMMOND
LARRY N. HANCOCK
ANDREW P. HANSEN
GEORGE B. HANSSON III
CRAIG A. HARDING
MICHAEL D. HARM
JON M. HARRINGTON
CHRISTOPHER HARRIS
SEAN Q. HARRIS
TIMOTHY J. HARRIS
KELLY L. HARSHBARGER
TROY R. HARTING
WILLIAM A. HASTINGS
BRADY P. HAUBOLDT
DAVID P. HAWORTH
MICHAEL S. HAYES
SCOTT E. HAYFORD
TERRENCE G. HEDLEY
STEVEN R. HEFFINGTON
AHREN D. HEIDT
JOSEPH W. HEILHECKER
SHARON G. HEILMANN
BRIAN K. HELLINGER
ALLEN R. HENDERSON, JR.
TIMOTHY HENDERSON
PHILLIP L. HENDRIX II
MARK D. HENRY
BRENT A. HEPNER
THOMAS L. HERMEL
JAMES L. HERRICK
BRUCE P. HESELTINE, JR.
TIMOTHY S. HESS
KAREN J. HIBBARD
PAUL A. HIBBARD
JUSTIN L. HICKMAN
KEVIN D. HICKMAN
HAROLD C. HICKS II
PHILIP C. HICKS
LESLIE E. HIGER
MATTHEW W. HIGER
DAVID L. HIGGINBOTHAM
BRANDON R. HILEMAN
GINA L. HILGER
LANCE E. HILL
WILLIAM R. HILL II
MICHAEL C. HINDLEY
JAMES S. HINDS
NATHAN S. HOBBS
ALLAN M. HODGE
STEPHEN L. HODGE
JUSTIN R. HOFFMAN
TODD C. HOGAN
TODD A. HOHN
KELLY R. HOLBERT
TRAE D. HOLCOMB
MICHAL D. HOLLIDAY
CRAIG M. HOLLIS
JEFFREY D. HOLT
DAVID A. HOLZ
DAVID W. HONCHUL
CHRISTOPHER M. HORGAN
STEVEN P. HORTON
EDWARD J. HOSPODAR, JR.
CHAUNCEY J. HOUSTON
ERIC P. HOVERSTEN
JOHN O. HOWARD
MICHAEL B. HOWARD
JAMES J. HOWELL
HEINZ H. HUESTER
JERRY A. HUFFMAN, JR.
BART M. HUGHES
CHRISTOPHER R. HUISMAN
MICHAEL C. HULIN
TYSON W. HUMMEL
FREDERICK J. HUMPHREY III
BERNARD P. HUND
BRITT K. HURST
CARL D. HUTCHERSON
GREGORY E. HUTSON
JOSEPH H. IMWALLE
CURTIS B. ISZARD
GRANT L. IZZI
ERIC J. JACHIMOWICZ
ROBERT W. JACKSON
PETER D. JACOB
ROBERT A. JAKCSY
DAVID E. JAMES
TODD N. JAMES
WALTER A. JAMES
CLIFTON G. JANNEY
STEVEN J. JANTZ
JENNIFER K. JENKINS
CHRISTOPHER E. JENSEN
MICHAEL R. JESSON
JAMES D. JETER
ROBERT S. JOBE
MATTHEW G. JOGANICH
RICK T. JOHNS
CHRISTOPHER A. JOHNSON
VANESSA S. JOHNSON
RICHARD W. JONES II
ROBERT D. JONES
ROY A. JONES III
ERICK A. JORDAN
WISTARIA J. JOSEPH
KELLY S. JOST
SEAN M. JUDGE
CURTIS G. JUELL
JON T. JULIAN
WILLIAM H. KALE
JOHN M. KANUCH
KEITH J. KEANA
JAMES R. KEEN
BRENT E. KEENAN
GREGORY S. KEETON
PETER J. KELLEY
BRIAN W. KELLY
EARL J. KELLY
ROBERT D. KELLY
MICHAEL E. KENSICK
AARON G. KERKMAN
HAIDER A. KHAN
MATTHEW A. KILGORE
JONATHAN H. KIM
JASON W. KIMBEL
THOMAS C. KIRKHAM
DAVID D. KITCHEN
BRANDON W. KNAPP
ERIC V. KNIGHT
CHRISTIAN J. KNUTSON
ERIC C. KOE
FRED C. KOEGLER III
KYLE E. KONCAK
GREGG A. KOPECK
MICHAEL R. KOSTER
MARK A. KRABY
MICHAEL W. KRAM
BRIAN C. KRAVITZ
GREGORY KREUDER
JENNIFER J. KRISCHER
BENJAMIN R. KROOP
JOHN M. KRYSTYNIAK
ANDREA J. LA FORCE
MATTHEW W. LACY
AARON A. LADE
ANDREW J. LAFFELY
ERIK J. LAGERQUIST
TREVOR I. LAINE
GERARD M. LAMBE
DAVID R. LANDRY
THEODORE T. LANE III
STEVEN E. LANG
KEVIN J. LAROCHELLE
CHRISTOPHER J. LARSON
MARK S. LAUDENSLAGER
CHRISTOPHER J. LAVALLEE
CHARLES J. LAW
JAMES L. LAWRENCE II
DAVID M. LEARNED
DAVID M. LEAZER II
DEREK C. LEIVESTAD
JOSEPH R. LEMAY
DAVID M. LENDERMAN
MICHAEL J. LEPAGE
ERIC L. LESHINSKY
MICHAEL W. LEWIS
TIMOTHY R. LEWIS
LOUIS E. LILLEY
MARTIN F. LINDSEY
BRIAN K. LIVERGOOD
JOSEPH W. LOCKE
WILLIAM D. LOCKHART IV
CHRISTOPHER S. LOHR
ANTHONY J. LOMELIN
JAMES E. LONG
MICHAEL D. LOVE
STEVEN R. LUCZYNSKI
JOEL J. LUKER
ROBERT W. LUNDY
MARK J. LYNCH
ANDREW C. MAAS
CHRISTOPHER V. MADDOX
MARCHAL B. MAGEE
DANIEL J. MAGIDSON
MICHAEL P. MAHAR
BENJAMIN R. MAITRE
SHAWN W. MANN
KELLEY M. MARCELL
RYAN T. MARSHALL
MATTEO G. MARTEMUCCI
JAMES A. MARTIN
TIM D. MARTIN
EDUARDO Z. MARTINEZ
MARC A. MARTINEZ
SHANNON Y. MARTINGALBERT
MICHAEL N. MATHES
TREVOR K. MATSUO
MICHAEL L. MATTHEWS
ROMAN F. MATTIOLI
GREGORY S. MAZUL
JEFFREY M. MCBRIDE
TESS M. MCCANN
DOUGLAS E. MCCLAIN
MICHAEL E. MCCLUNG
CRAIG D. MCCUIN
BRADLEY W. MCDONALD
MARK V. MCDONALD
PATRICK S. MCDONALD
PETER P. MCDONOUGH
DONALD K. MCFATRIDGE
HEATHER L. MCGEE
DANIEL B. MCGIBNEY
PATRICK E. MCGLADE
CATHERINE E. MCGOWAN
STEPHEN L. MCILNAY
KELLY L. MCJOYNT
TIMOTHY M. MCKENZIE
JAMES D. MCMILLAN
JOHN E. MEIER
KERRI T. MELLOR
DAVID C. MERRITT
KENNETH R. MERSHON
BRENT J. MESQUIT
ADAM J. MEYERS
JASON P. MEYERS
BRICE W. MIDDLETON
JOHN V. MIHALY
KYLE D. MIKOS
CORY D. MILLER
DARREN J. MILLER
LYNDON B. MILLINER
RICHARD J. MILLS
RICKY L. MILLS
MATTHEW J. MIRELES
DERON L. MIRRO
KEITH D. MISHAW
ROBERT H. MITCHELL, JR.
CLINTON A. MIXON
DAVID K. MOELLER
PAUL D. MOGA
DAVID M. MOHON
DENNIS B. MONINGHOFF
ROBERT J. MONTES
BRANDON D. MONTLER
LAVA P. MOORE
TYLER K. MOORE
GEORGE Y. MORACZEWSKI
DAVID J. MORGAN
DEWITT MORGAN III
JOSEPH E. MORITZ
COLIN R. MORRIS
WILLIAM B. MORRISON
ERIC R. MORROW
KENNETH H. MORSE II
ROBERT J. MORSE
TIMOTHY J. MOSER
ERIC B. MOSES
KEITH E. MUELLER
PATRICK M. MULLEN
BRUCE E. MUNGER
CHARLES Y. MURNIEKS
PATRICK S. MURPHY
PAUL E. MURPHY III
SEAN D. MURPHY
JEFFREY A. MYER
HENRY MYERS, JR.
NATHAN E. MYERS
ROBERT J. MYHRE
JAMES M. NARDO
NEIL L. NEADERHISER
JEFFREY M. NEDROW
PAUL E. NEIDHARDT
FRANCINE N. NELSON
LEE R. NELSON
MICHAEL G. NELSON
DONALD K. NESBITT
RICHARD K. NEUFANG
RAYFORD D. NICHOLS
RYAN B. NICHOLS
ANDREW M. NICKLAS
GEOFFREY C. NIEBOER
DEWAYNE A. NIKKILA
SCOTT M. NISHWITZ
DAYTON O. NOONER III
KENNETH E. NORMAN
CHRISTOPHER A. NORTHROP
JERRY L. NORWOOD
MICHAEL C. NOVY
ERIC D. OBERGFELL
SHANNON E. OBOYLE
MICHAEL M. OCONNOR
PAUL D. ODOM
JOHN C. ODUM
STEPHEN R. ODUM
MARTIN J. OGRADY
CHARLES G. OHLIGER
PAUL A. OLAH
JAMES A. OLDENBURG
PAUL M. OLDHAM
MICHAEL K. OLSEN
JULIE M. OLSON
PETER A. OLSON
RANDY W. OLSON
LEE M. OLYNIEC
MONTINI B. ONEAL
DANIEL J. OOSTERHOUS
LARRY D. OPPERMAN, JR.
LANCE M. ORR
MICHAEL P. OTOOLE
JOSEPH PAGUILIGAN
SEUNG U. PAIK
THOMAS B. PALENSKE
GUILLERMO A. PALOS
MICHAEL J. PAQUETTE
DAVID B. PARLOTZ
CHRISTOPHER R. PARRISH
RICHARD J. PARROTTE
KEVIN R. PARTRIDGE
JOSEPH C. PATRICK
BRENDAN P. PATTON
ANDREA M. PAUL
HEIDI A. PAULSON
THOMAS C. PAULY
STEVEN G. B. PAXTON
KENT L. PAYNE
BRENT A. PEACOCK
BRANDON H. PEARCE
DWIGHT W. PERTUIT, JR.
JOHN S. PESAPANE
EDWARD H. PETERSON
JENIFER J. PETRINA
ROBERT P. PETTY
STEPHEN C. PETZOLD
ROBERT S. PFOST
WILL H. PHILLIPS III
MATTHEW E. PICKLE
AARON F. PIEPKORN

DONNA L. PILSON
DANIEL L. PINKAVA
BRIAN S. PITCHER
HENRY S. PITTS
JASON L. PLOURDE
ALAIN D. POISSON
JAMES W. POLANOSKY, JR.
PETER M. POLLOCK
PATRICK D. POPE
KENDALL D. POTTER
JEFFREY A. POWELL
RAYMOND M. POWELL
JASON R. PREISSER
STEPHEN S. PRESTON
TYLER T. PREVETT
ANDREW W. PROUD
BRETT M. PROVINSKY
WILLIAM N. PRYOR, JR.
JARRETT G. PURDUE
STEPHEN G. PURDY, JR.
CHARLENE V. PURTEE
VICTOR B. PUTZ, JR.
BRADLEY L. PYBURN
BRYNT L. QUERY
ROBERT R. RAMOS
CRAIG M. RAMSEY
AARON C. RAREY
MARK E. REED
ROBERT D. REED
MARK J. REENTS
GRANTINO T. REID
JEFFREY D. REIMAN
JENNIFER L. REISS
TRAVIS D. REX
JAMES F. REYNOLDS
LANCE B. REYNOLDS
JAMES T. RICH
WAYLON S. RICHARDS
DERRICK B. RICHARDSON
MICHAEL S. RICHARDSON
ROBERT C. RICKS
BRADY M. RIES
AARON M. RIGDON
WILLIAM L. RIGGLE
EDISON A. RIGGLEMAN, JR.
MICHAEL B. RILEY
CHARLES F. RINKEVICH, JR.
SEAN K. RIVERA
CHRISTOPHER J. ROBERTS
GREGORY A. ROBERTS
TROY A. ROBERTS
MATTHEW D. ROBINSON
SCOTT A. ROBINSON
THOMAS R. ROCK, JR.
STEPHEN C. RODRIGUEZ
GLENN D. ROETTGER
CHARLES M. ROGERS
HENRY T. ROGERS III
KAREN L. ROLIRAD
MATTHEW J. ROLLER
JAMES S. ROMASZ
JENNIFFER F. ROMERO
JOSE M. ROODETTES
MICHAEL S. ROSE
MARI D. ROSS
JONATHAN K. ROSSOW
CHAD L. RUBINO
SEAN P. RUCKER
MICHAEL W. RUE
RICHARD A. RUPANOVIC
JEFFREY C. RUSSELL
ROBERT L. RUSSELL IV
NICHOLAS E. RUSSO
DAVID J. RUTH
JAY A. SABIA
DARREN R. SABO
KURT M. SAFFER
JEFFREY B. SALTER
STEVEN D. SAMPSON
MELISSA D. SANDBERG
RICHARD T. SANDERS
DAVID J. SANFORD
ARNOLD T. SAUNDERS
JOHN W. SAWYER
MICHAEL G. SAWYER
JAMES R. SAYRES III
KURT M. SCHENDZIELOS
STEPHEN C. SCHERZER
PATRICK L. SCHLICHENMEYER
KARL C. SCHLOER
MICHAEL K. SCHNABEL
EDWARD J. SCHNEIDER
JASON R. SCHOTT
DAVID M. SCHRADER
JOHN H. SCHRIMPF
ERIC A. SCHROEDER
TAMARA B. SCHWARTZ
RONALD W. SCHWING
VINCENT J. SEI
ANDREW J. SELLBERG
JEFFREY A. SEMINARO
CHRISTOPHER G. SENKBEIL
DOMINIC A. SETKA
ERIC K. SHAFA
ANDREW R. SHANAHAN
RICHARD C. SHEFFE
THERESA L. SHEPPARD
MICHAEL T. SHEREDY
ROGER A. SHERMAN
THOMAS P. SHERMAN
BETHANN SHICK
ROBERT J. SHINDEL, JR.
MILDRED L. SHINGLER
ANDREW S. SHOBE
EDWARD T. SHOLTIS
MARK J. SHOVIAK
LOUISE A. SHUMATE
VINCENT J. SIERRA
JAMES R. SIEVERS
EDUARDO J. SILVA
MITCHELL E. SIMMONS
RODNEY L. SIMPSON
THOMAS G. SINGLE
DOUGLAS S. SIRK
WILLIAM E. SITZABEE
PATRICH M. SKENDZIEL
JONAS S. SKINNER
MARK B. SKOUSON
DWAIN A. SLAUGHTER
JOSEPH P. SLAVICK
BILLIE A. SMITH, JR.
BRIAN M. SMITH
KEVIN B. SMITH
SHANE A. SMITH
STACEY L. SMITH
THOMAS S. SMITH
MICHAEL G. SNELL
SCOTT E. SOLOMON
DAREN S. SORENSON
ERIC J. SOTO
JAMES S. SPARROW
LEE A. SPECHLER
JOSEPH B. SPEED
BENJAMIN W. SPENCER
RUTH C. SPENCER
STANLEY A. SPRINGER
TODD A. SRIVER
DAVID R. STONGE
PETER J. STAPLETON
CEDRIC D. STARK
DANIEL L. STEELE
TRAVIS A. STEEN
EUGENE E. STEIN
CHARLES W. STEVENS
JAY L. STEWART
MELANIE J. STEWART
GARY W. STILES
KILEY F. STINSON
MICHAEL S. STOHLER
CHRISTOPHER D. STOIK
JON D. STRIZZI
SHELLEY R. STRONG
AMIE C. STRYKER
DIANA L. STUART
EARL D. STULLER
PAUL W. STURGES
JAMES M. SUHR
JAMES A. SUKENIK
PATRICK G. SULLIVAN
RICHARD J. SUMNER
MICHAEL D. SUNDSTED
MICHAEL R. SUTHERLAND
KEVIN L. SUTTON
JONATHAN J. SWALL
MICHAEL T. SWART
JOCELYN R. SWAYZE
DENISE L. SWEENEY
TIMOTHY J. SWEENEY
MICHAEL A. SWEETLAND
ERIC D. SWENSON
JOHN D. SWIFT
DANIEL E. SZARKE
JONATHAN D. TAMBLYN
RAINIER TANGLAO
FRED H. TAYLOR
RUSSELL F. TEEHAN
TIMOTHY M. TELEGA
DAVID M. TENENBAUM
TIMOTHY T. TENNE
ROBERT C. TESCHNER
JAMES A. THEISS
KIRABETH THERRIEN
JOHN R. THOMAS
CHRISTOPHER M. THOMPSON
JAMES E. THOMPSON
MICHAEL E. THOMPSON
PATRICK W. THOMPSON
STEVEN NEAL THORSEN
LORI A. THORSON
ROBERT T. TIBBETTS
CHRISTOPHER F. TINGLEY
CHARLES P. TOBIA
RANDOLPH B. TORIS
MARTIN J. TOWEY
OLIVER D. TOWNS, JR.
KEVIN J. TRAW
ALICE W. TREVINO
JOHN A. TRINGALI
CLORINDA TRUJILLO
PAUL M. TRUJILLO
GEORGE H. TRUMAN III
TAMMY M. TRYCHON
PHILLIP C. TUCKER
DEREK W. TUPPER
JAMES E. TURNBULL
JASON M. TURNER
JEREMEY D. TURNER
REGINALD J. TURNER
TRENT C. TUTHILL
SEAN K. TYLER
VOLODJA A. TYMOSCHENKO
KRISTIN S. UCHIMURA
THOMAS J. VAIL
DANETTE D. VANDALEN
KELLEY M. VANDERBILT
JOHN H. VANHUFFEL
MATTHEW J. VANPARYS
JAMES B. VARITZ
CURTIS E. VELASQUEZ
JEFFREY R. VENT
MICHAEL J. VETH
JANELLE K. VIERA
KEVIN M. VIRTS
HENRY R. VOEGTLE
JEFFREY W. VOETBERG
KEVIN P. VOGT
CHARLES W. WAHL
JAMES K. WAKEFIELD IV
JOHN C. WALKER
RANDAL D. WALKER
SCOTT T. WALLACE
RICHARD S. WARD
DOUGLAS W. WARNOCK, JR.
RANDALL E. WARRING
ERIC W. WATERS
DANIEL J. WATOLA
EDWARD D. WATSON
DAVID A. WEAS
JAMES F. WEAVER
RICHARD H. WEAVER
ROBERT V. WEAVER III
SCOTT J. WEBER
JOHN A. WEBSTER
PATRICK N. WEEKS
DAVID WEISSMILLER
TED E. WELCH
TIMOTHY G. WELDE
GRANT T. WELLER
DYLAN T. WELLS
RICHARD E. WELLS
KEVIN M. WENKS
ANDREW J. WERNER
CHARLES E. WESTBROOK III
MATTHEW J. WHIAT
EUGENE F. WHITE
TODD L. WIESER
TODD E. WIEST
JOHN B. WILBOURNE
PETER R. WILKIE
DAVID M. WILLCOX
JAMES D. WILLIAMS
KEVIN S. WILLIAMS
MICHAEL R. WILLIAMS
JAMES C. WILLIAMSON
JOSEPH C. WILLOUGHBY
CHRISTOPHER W. WILSON
GEORGE S. WILSON
JACQUE J. WILSON
EMMETT L. WINGFIELD III
JASON M. WINSLOW
ANDREW K. WOLCOTT
TIMOTHY W. WOLF
CYRIL T. WOLFF
DENNIS J. WOLSTENHOLME
BRYAN M. WOOD
GREGORY E. WOOD
PAMELA L. WOOLLEY
CARL D. WOOTEN
DAVID F. WRIGHT
THOMAS W. WRIGHT
TODD E. WRIGHT
MICHAEL A. WULFESTIEG
MATTHEW L. WURST
CHRISTOPHER A. WYCKOFF
DEREK R. WYLER
ALBERT K. YATES
ROBERT B. YBARRA
JEFFREY L. YORK
AMY S. YOUNG
CHARLES P. YOUNG
RANDY J. YOVANOVICH
BRIAN F. ZANE
ANDREW J. ZEIGLER, JR.
DEBRA A. ZIDES
MICHAEL A. ZROSTLIK

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARIO AGUIRRE III
PHILLIP C. ANDREWS
LISA D. BAILEY
JOSEPH A. BARTASIUS
DAVID J. BARTOO
RONALD A. BASSFORD
VICKI J. BAXTER
ALAN K. BOLTON
GREGORY L. BONNER
ANDREA M. BREYTON
SCOTT G. BROWN
JEFFREY B. BURBACH
ALVIN W. BURGUESS
MILTON S. BUSBY, JR.
TEDDY J. BYRD
CLIFFORD L. CADLE
GARY S. CARLSON
JAMES P. CARROLL
WILLIAM A. CARROLL
DANIEL F. CHACHAKIS
ROBERT P. CHAPPELL, JR.
STEVEN C. CHIMCHIRIAN
JOSEPH A. CHIRICO
SHELLEY A. CHISHOLM
DANIEL J. CHRISTIAN
BRIAN M. CLARK
ELLIOT E. COLEY
TIMOTHY M. CONNOR
JOHN P. CONSTABLE
CHRISTOPHER CORKERY
CRAIG D. COTTER
JOSEPH P. CREEKMORE, JR.
ANNMARIE N. DALKIEWICZ
DAVID J. DANIELS
LOUIS A. DELLORCO
JAN K. DEMARTINI
CALVIN C. DEWITT
JUAN A. DIAZ

JAMES V. DICROCCO
MARK C. DITROLIO
WALTER D. DODD
KEITH A. DONAHOE
DAVID A. DYKES
FRANK A. EARNEST
BRADLEY G. EATON
GRANT EDWARDS
MARK R. ELLSON
NORMA J. ELY
CYNTHIA A. ERNST
FRANK D. EUBANKS
STEVEN T. EVEKER
GREGORY S. FORD
RICHARD T. FORREN
PHILIP C. FOSTER
DAVID F. FRANKENHAUSER
GREGORY T. FROHBIETER
CHARLES E. FROST, JR.
TIMOTHY H. GARTH
GREGORY C. GAWEDA
JOY A. GIBBON
DEBBIE L. GIBBS
PETER K. GOEBEL
MICHAEL L. GOEDRICH
DAVID H. GOERES
MICHAEL R. GOETZ
GREGORY GRIMES
GLENDA B. GUILLORY
JANICE M. HAIGLER
JOHN H. HANDY
ROBERT G. HARTLEY
MARK O. HARVEY
ROBERT G. HASTE
STEVEN L. HEGGEN
MARK J. HICKEY
MARTIN J. HICKEY
CHARLES P. HINER
PETER J. HIRAI
TED HODGSON
LAWRENCE E. HOWARD III
JOHN M. HUGHES
GREGORY S. IHLI
CURTIS M. INMAN
LEWIS G. IRWIN
RALPH A. JAMES
SALVADOR JIMENEZ
PHILLIP S. JOLLY
MELVIN JONES, JR.
JOHN I. KAMINAR
PAUL J. KARWEIK
STEVEN D. KATZ
ROBERT A. KAY
MICHAEL J. KELLER
MICHAEL D. KENNEDY
ROBERT C. KERECZ
THOMAS J. KIENLEN
KENNETH M. KIRKPATRICK
RICHARD A. LAMB
RAMON LLUVERAS
COLBERT K. LOW
MICHAEL D. MANTEY
ROBERT M. MARCHI
SHAWN P. MARCOTTE, SR.
GARY J. MARTEL
COLLEEN M. MARTIN
WILLIAM B. MASON
CURTIS D. MATTISON
CATHERINE P. MEADOWS
GARY W. MILLER
RICHARD F. MONCZYNSKI
NICHOLAS A. MOORE
KEITH A. MORRISON
MARTY W. NELSON
KEVIN S. NYKANEN
LARRY S. OAKES
TODD OBRADOVICH
DWIGHT D. ORTIZ
WILLIAM K. PAAPE
ROBERT R. PADGETT
JOHN S. PAJAK
ERIC J. PALM
CATHERINE C. PATTERSON
ROBERT M. PELLETIER
VICENTE PEREZ
KELLY K. PETERS
ROBERT A. PIAZZA
RAY A. PLAGENS, JR.
BRUCE E. POLLARD
WARNER B. PRESCOTT
SHERYL A. RAFFERTY
RAUL E. RAMIREZ, JR.
SHAWN A. RASMUSSEN
ROBERT W. RAUCHLE
PAUL D. RAUH
GORDON L. RAWLINSON
SANDRA L. RAYNOR
RICHARD A. REICHARDT
DANIEL E. REID
BRENDA M. REINHART
GERARD RIDEAUX
EDWIN RODRIGUEZ
JOHN F. RONEY, JR.
JEFFREY L. SCOTT
RICHARD W. SELLNER
ANTHONY D. SHAFFER
BRIAN M. SHEA
KEITH D. SIMONSON
THOMAS W. SISINYAK
BRIAN L. SMITH
TIMOTHY K. SMITH
SHAWN J. SNAREY
JAMES J. SOLANO
DONALD D. STENZEL
ROBERT J. STEVENS
KENNETH P. STORZ
BART E. STOVICEK
DANIEL H. THOMAS
GEORGE R. THOMPSON
TRACY A. THOMPSON
LAWRENCE F. THOMS
TERRY G. TOLER
MARK A. VALERI
MARC W. VANOENE
KENNETH J. VAUGHN
DONALD H. WEDEWER, JR.
BRENTLY F. WHITE
THOMAS M. WILLIAMS
CHARLES J. WOGAN
WHITNEY K. WOLF
PAUL W. WOOD, JR.
WILLIAM A. WOODS
DAVID C. WYLIE
HARRY O. YATES
PHILIP W. YOUNG
SCOTT B. ZIMA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BARRY L. ADAMS
WILLIAM H. ADAMS
JOHN T. AKERS
FRED W. ALLEN
GREGORY J. ALLEN
WALTER L. ALVARADO
HENRY J. AMATO, JR.
JEANNE A. ARNOLD
DALLEN S. ATACK
MICHAEL S. ATWELL
STEVEN E. BAPP
PAUL D. BARBEE
JOE G. BARNARD, JR.
DON B. BEARD
JAMES P. BEGLEY III
MICHAEL R. BERRY
WAYNE L. BLACK
LEO D. BLUNCK
JOSEPH M. BONGIOVANNI
RICHARD J. BORKOWSKI
GREGORY S. BOWEN
ROBERT A. BOYETTE
DAVID L. BOYLE
KENNETH C. BRADDOCK
THOMAS R. BREWER
DENNIS J. BUTTERS
MICHAEL A. CALHOUN
JAMES D. CAMPBELL
MIKE A. CANZONERI
PERRY C. CHAPPELL, JR.
KIT L. CLINE
RICHARD D. COLE
MARTIN J. COMES
LORENZA COOPER
TRIS T. COOPER
JOY L. CRAFT
JAMES D. CRAIG
ROBERT J. CROW
JOHN F. CUDDY
SCOT H. CUTHBERTSON
WILLIAM A. DENNY
WADE H. DESMOND
JOHN P. DOLAN
DARRYL J. DUCHARME
JOHN B. DUNLAP III
ROBERT T. DUNTON
MARK G. DYKES
GRACE E. EDINBORO
GEORGE L. EDMONDS
CINDY A. ESKRIDGE
GEORGE L. FISHER
MATTHEW J. FITZGERALD
WILLIAM D. FITZPATRICK, JR.
JOHN R. FORTUNE, JR.
CHRISTOPHER J. FOWLER
ARTHUR K. FRACKER
JOHN P. FRANK
WILLIAM J. FREIDEL
JOHN M. GALUSKY
ROBERT B. GASTON
DAVID N. GERESKI
NICHOLAS L. GODDARD
ALBERTO C. GONZALEZ
HARRY GONZALEZ
KEVIN M. GOUVEIA
KEVIN R. GRIESE
PAUL J. GRUBE
KENNETH S. GULLY
BARBARA L. GUNNING
FRANCISCO GUZMAN
MICHAEL W. HAERR
CHRISTOPHER J. HALL
DONALD N. HAM
LAWRENCE E. HANNAN
JOHN N. HARAMALIS
WILLIAM M. HART
PAUL C. HASTINGS
MATTHEW J. HEARON
ANDREW R. HERNANDEZ
MARK J. HODD
SHARON R. HORTON
JULIE A. HOSMER
TIMOTHY P. HOUSER
DANNY R. HUGHES
KEVIN M. HULETT
EUGENE R. INGRAO
MARK C. JACKSON
JAY L. JERRILS
RICHARD A. JOHNSON
CHRISTOPHER G. JONES
PATRICIA M. JONES
JAMES A. JUNOT
SHAWN A. KARVELIS
RICHARD C. KNOWLTON
BRADLEY J. KOHN
MICHAEL A. KONZMAN
DONALD Y. KWAN
DAVID M. LAHM
RICHARD E. LAROSSA
WILLIAM E. LEFEVRE
LORIS F. LEPRI
WILLIAM J. LIEDER
ALOYSIUS G. LINGG
ROBERT P. LINNAN
STEPHEN B. LONDON
JERRY F. MADISON
ZACHARY E. MANER
TIMOTHY L. MANTZ
TARRY L. MARLAR
ARNOLD R. MARQUART
JERRY H. MARTIN
ANGELA E. MAXNER
ROBERT B. MCCASTLAIN
GREGORY T. MCDONALD
LAURA J. MCKNIGHT
JUDITH H. MCLAUGHLIN
DANIEL C. MCMILLEN
ROBERT E. MCMILLIN II
RICHARD G. MILLER
MATTHEW P. MITCHELL
DANIEL C. MOLIND
LESLIE R. MONTGOMERY
DAVID L. MURPHY
ROBERTA NIEDT
JOSEPH F. NOONAN
RICHARD G. NORD
TERRY J. OMMEN
CHARLIE C. OSBORNE, JR.
KARLAS OWENS
THOMAS P. PALLADINO
GREGG L. PARKS
RALPH R. PECINA
CHRISTOPHER J. PETTY
ROBERT L. PHILLIPS
STANLEY W. POE
DANE W. POWELL
DAVID M. POWELL
JEFFREY S. RADKE
GEORGE J. RAKERS
MARK L. RATHBURN
WILLIAM L. RATLIFF, JR.
JEFFERY S. REICHMAN
JOHN M. RHODES
ALBERT J. RICCI
ROBERT A. RIGSBY
GREGORY W. ROBINETTE
GEORGE F. ROBINSON III
RODNEY S. ROBINSON
JOHN P. RUDIO
MARCUS R. SANDERS
BENJAMIN E. SARTAIN
JOHN L. SAUFLEY
PAUL J. SAUSVILLE
KENNETH S. SCHECHTER
MICHAEL J. SCHLORHOLTZ
CHARLES M. SCHNEIDER
BENNETT E. SINGER
MICHAEL C. SLUSHER
DAVID O. SMITH
JEFFREY E. SMITHERMAN
JOHN F. SNEED
JEFFREY M. SOELLNER
PAUL O. SOMERSALL
NANCY A. SOUZA
STEPHEN L. SOWELL
WILLIAM R. SPENGLER
JIMMY D. STRINGER
ROCH A. SWITLIK
STEVEN A. TABOR
KEITH Y. TAMASHIRO
RODNEY D. TANSILL
PETER J. TETRICK
TODD D. TOWNSEND
JOHN M. VALENTINE
JAMES M. VARTANIAN
CLINT E. WALKER
TIMOTHY K. WALKER
DANIEL E. WEBER
JAMES B. WEBSTER, JR.
MARK A. WEEKS
ALAN V. WILCOXSON
ALEX WILLIAMS
GISELLE M. WILZ
ROBERT A. WOODMANSEE
ROY C. WORRALL
JANE F. ZAK
TIMOTHY M. ZEGERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEVIN S. ANDERSON
SANFORD P. ARTMAN
JEFFREY B. BAKER
JOHN W. BRAU, JR.
SYLVESTER H. BROWN
GARY U. BULLARD
ANDREW A. BURNS
RUDOLPH L. BURWELL, JR.
CHARLES E. COURSEY
KRISTEN L. COX
KELLIE M. CRESPO
DONALD R. DUNNE
DAVID L. EGBERT
TIMOTHY FLANAGAN
JAMES A. GRAY
MICHAEL S. HEALY

LITTLE R. HERSEY
DAVID L. JESSOP
DARRY C. JOHNSON
THOMAS J. KALLMAN
MARY K. LEAHY
JOHN A. LEGGIERI
CAROL W. LEIGHTON
JEFFREY J. LEPAK
J M. LISSNER
ALICIA K. LYNCH
FRANCIS S. MAIN
BENJAMIN J. MCDONALD
KENNETH H. MOORE
TERRELL E. PARKER II
MICHAEL A. PHIPPS
JOSEPH POTH
JIMMY A. RANKIN
ASDRUBAL RIVERA
JEFFERY P. ROBINSON
EDDIE ROSADO
JAMES W. RUF
FRANK E. SKIRLO
JOSEPH L. SMITH
TAMMY S. SMITH
ANN STAFFORD
WAYNE A. TASLER
JOHN M. TRAYLOR
JOSEPH E. WHITLOCK
RUFUS WOODS III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROBERT B. ALLMAN III
STEVEN D. ASHBROOK
DAVID K. BEAVERS
RONALD A. BELTZ, JR.
JOSEPH K. BLAY
BYRON V. BRIDGES
RICHARD E. BROWN
HOWARD F. CANTRELL
SUSAN D. CASWELL
RAYNARD J. CHURCHWELL
THOMAS G. CONNER
RONALD E. COOPER, JR.
SCOTT A. DANIEL
CHRISTOPHER W. DEGN
DOUGLAS T. DOWNS
DANIEL C. FINKHOUSEN
LESLIE J. FORBESMARIANI
JAMES J. FOSTER
EVERETT J. FRANKLIN
BRET J. GILMORE
ROBERT C. GRESSER
KEVIN L. GUTHRIE
LADISLAO HERNANDEZ, JR.
ERNEST M. IBANGA
JEFFREY L. JAY
MICHAEL L. JEFFRIES
CRAIG M. JOHNSON
CARRON A. JONES
TERRELL L. JONES
PALMA N. JUAREZ
WAYNE A. KEAST
MARTIN S. KENDRICK
SUNG N. KIM
SUNGJEAN P. KIM
JAMES M. LESTER
BRAD P. LEWIS
KEVIN B. MATEER
GUY R. MCBRIDE
ERIC R. MEYNERS
BYUNG K. MIN
JOHN J. MIN
MICHAEL W. PATTERSON
MARK W. PERKINS
FLORIO F. PIERRE
KELLY D. PORTER
STEVE W. PROST
MICHAEL T. SHELLMAN
MARK A. SHELTON
ROBERT R. STEVENSON
MARK A. STEWART
TIMOTHY G. STIERS
JEFFERY D. STRUECKER
RODERICK D. SWANSON
ANTHONY L. TAYLOR, SR.
DOUGLAS S. THOMISON
SCOTT W. THOMPSON
STANTON D. TROTTER
RICKY A. WAY
SEAN S. WEAD
RONALD F. WEBB
RICHARD F. WINCHESTER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THERESA A. FRASER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JOHN M. MARMOLEJO
JEFFREY R. MCCUNE
GREGORY R. OSTROWSKI
LEE R. RAS
JOHN F. TAFT

To be commander

ROBERT P. GORMLEY
STEVEN W. HARRIS
WILLIAM L. HENDRICKSON
HENRY L. MCHUGH

To be lieutenant commander

JAMES I. BOYD
BRANDON J. BRYANT
ANDREW P. DOAN
LEWIS J. FERMAGLICH
MARK W. GESELL
HORACE E. GILCHRIST II
KARISSA L. HACKELTON
PETER M. HAMMER
CHRISTOPHER M. HARRIS
CHAD R. HOULLIS
SUE A. HOWELL
BRADLEY L. KINKEAD
MICHAEL J. LOOMIS, JR.
MARCEL A. MACGILVRAY
CYNTHIA J. MOORE
ERIC E. PERCIVAL
OBIE M. POWELL
CHAD E. SIMPSON
ELIZABETH M. SOLZE
SUSANN M. TROJAN

EXTENSIONS OF REMARKS

CONGRATULATING THOMAS G. GALLAGHER JR. ON THE OCCASION OF BEING RECOGNIZED FOR 25 YEARS OF SERVICE BY THE FRIENDLY SONS OF ST. PATRICK OF LACKAWANNA COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Thomas G. Gallagher Jr. who is being honored by the Friendly Sons of St. Patrick of Lackawanna County, Pennsylvania, for 25 years of faithful service.

Mr. Gallagher has a long and distinguished history of service to his northeastern Pennsylvania community.

Mr. Gallagher was the President of the United Way of Lackawanna County from 1986 until his retirement in June of 2002.

A graduate of Scranton Preparatory School, Mr. Gallagher received a Bachelor of Arts degree from the University of Notre Dame and a masters of social work degree from Fordham University. He also completed post graduate work at the National Academy of Volunteerism in Alexandria, Virginia.

Prior to his work with the United Way, Mr. Gallagher served as a caseworker for the Lackawanna County Institution District's Bureau of Aging and Bureau of Children's Services.

He also served as assistant director of the Planning Council for Social Services and Associate Director of the United Way of Lackawanna County,

In addition, he also served as a lieutenant senior grade in the United States Public Health Service at the National Institute of Health.

Mr. Gallagher serves on the board of directors of St. Francis Kitchen and the Margaret Briggs Foundation. He is also a member of the Rotary Club of Scranton and he is a past president of the Friendly Sons of St. Patrick of Lackawanna County.

Madam Speaker, please join me in congratulating Mr. Gallagher on this special occasion. His exemplary performance in the area of community service has improved the quality of life for all and is well deserving of this honor. Indeed, his example is an inspiration for future generations to emulate.

CONGRATULATING THE HIGHLAND PARK GIRLS SWIMMING AND DIVING TEAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SESSIONS. Madam Speaker, it is with great pleasure that I rise today to congratulate the Highland Park Girls Swimming and Diving Team on winning the title of UIL 4A State Champions.

In his first year coaching at Highland Park, Jess Cole led the girls to their eighth consecutive win in the UIL Texas State Championship on Saturday, February 23, 2008. Those who competed at the state meet include Allison Arnold, Megan Arnold, Hannah Ferrin, Bolton Harris, Delaney Rolfe, Katy Streepey, Katy Tye, and Alex Weber. Their continued success can be attributed to their hard work, dedication, passion for swimming and a strong sense of team spirit. In addition to claiming the title of State Champions, the Highland Park Girls Swimming and Diving Team now holds the longest state record in UIL swimming and diving, matching Class A Booker's record in girls golf as the longest in Texas high school sports since record keeping began in 1910.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating the members of the Highland Park Girls Swimming and Diving Team for their well-deserved victory and wish them all the best in future endeavors.

MR. CARL FISHER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I pay tribute to one of the most caring, dedicated, and selfless citizens of Indiana's First Congressional District, Mr. Carl Fisher, longtime superintendent of the Portage Parks Department. After serving the people of Portage, IN, in this capacity for the past 24 years, Carl announced his retirement from this position. In honor of Carl, a retirement party will be held by friends and members of his staff on Friday, March 14, 2008, at Sycamore Hall of Woodland Park in Portage, IN.

Following his graduation in 1964 from Grace College in Winona Lake, IN, Carl, an avid nature enthusiast, eventually went on to pursue his master's degree in recreation park administration at Indiana University. After completing his master's degree in 1975, he was hired as the district recreation supervisor for the Montgomery County Recreation and Parks Department. Carl held this position until 1977, at which time he took over as the park supervisor for the Goshen Park and Recreation Department. Carl remained in this capacity until 1983 before relocating to Northwest Indiana, where he took over as superintendent of the Portage Parks Department, a position he would faithfully serve for the next 24 years.

Since taking over at the Portage Parks Department, Carl's contributions to Northwest Indiana have stretched far beyond his everyday responsibilities as superintendent. It was in large part through his efforts that the Portage Township Community Historical Society was created. This led to the acquisition and development of Countryside Park as a historical attraction for the City of Portage.

In addition, Carl's vision and constant efforts to improving outdoor recreation, and more specifically, trail development, in Northwest Indiana have been unparalleled. Carl was a catalyst in the formation of the Northwestern Indiana Regional Planning Commission's Regional Bikeways Committee, which would later become the Ped and Pedal Committee. Under his vision and leadership, which includes the establishment of the Portage Parks and Recreation Foundation, Northwest Indiana has seen a vast increase in acreage and funding obtained for the development of its parks and trails. Astonishingly, during Carl's tenure as superintendent, Portage has seen the establishment of 11 parks and 2 city-wide trails.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending Carl Fisher for his lifetime of leadership, service, and dedication to the residents of Portage, IN. He has touched the lives of many residents and visitors in Northwest Indiana. While we will all miss Carl's true service and uncompromising dedication, I ask that you join me in wishing him well upon his retirement.

A PROCLAMATION HONORING THE 200TH ANNIVERSARY OF THE FOUNDING OF BARNESVILLE, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of Barnesville, Ohio celebrate the 200th anniversary of the found of Barnesville, Ohio with great joy; and

Whereas, this occasion is a time to look back at the origins of the town and appreciate how much it has grown from its first days as a hunting and trapping community in an infant country; and

Whereas, occasions such as these illustrate to us that love mixed with hard work and perseverance will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this town as a beacon of light in the representation of America and maintain your stand as a symbol to this generation that our strength lies in your gracious commitment in unity to stand as a model community; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend Barnesville for your hard work and perseverance, recognizing that all great communities come from great people. With great appreciation and respect, we recognize the tremendous impact this town has had in Ohio and in the lives of those people you have touched.

● 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.

HONORING ARBELLA PERKINS EWING

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to Arbella Perkins Ewing in celebration of her 114th birthday on Thursday, March 13, 2008.

As the third-oldest living person in the world and the second-oldest living American, Ms. Ewing is a fixture of the Dallas community.

Born in 1894 on a farm in Freestone County, Mississippi, as one of 12 children and the great-granddaughter of Mississippi slaves, Ms. Ewing endured continual racial problems that eventually led to her move to Dallas. In 1936, she and her husband Frank settled into a house in South Dallas, where she lived until she was 106.

As a wife and a mother to one daughter, Ms. Ewing not only made sure to keep a clean house for her own family, but extended her charity beyond her own home, often cooking for her sick neighbors.

Known as a God-fearing woman, her faith has greatly contributed to her way of life. I am reminded of a quote by the late Dr. Martin Luther King, Jr., ''The quality, not the longevity, of one's life is what is important.'' I can truly say that the quality of Ms. Ewing's life extends past even her longevity. Her reputation for ''good living'' includes not smoking or drinking, eating healthily, and not staying out late. She serves as an example for all of us to honor our bodies and cherish our health.

After her husband and daughter passed away in the 1970s, Ms. Ewing lived an independent and self-sufficient life until a fall that broke her hip in 2007 at the age of 113. Ms. Ewing's strength and resolve has seen her though this rough time of surgery into recovery much as it saw her through the years of the Great Depression, Jim Crow segregation and the Civil Rights Era.

Ms. Ewing stands as a beacon of will and determination. She makes us all mindful that a life well spent is a life worth living.

Madam Speaker, I ask that my colleagues join me in honoring Arbella Perkins Ewing on reaching the monumental age of 114. I wish her continued life, good health and strength.

INTRODUCTION OF THE CONGRESSIONAL REVIEW ACT IMPROVEMENT ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Congressional Review Act Improvement Act.

This legislation would cut government waste by reducing duplicative paperwork and relieving some of the administrative burdens that are currently mandated by the Congressional Review Act, the congressional review mechanism of agency rules. The Congressional Review Act requires that all agencies promulgating a rule must submit to both Houses of Congress, and to the Comptroller General at the Government Accountability Office, a report that contains a copy of the rule, a concise general statement describing the rule, and the proposed effective date of the rule. Thus, under current law, the same material is submitted, housed, and printed at four different governmental entities.

Specifically, this legislation would eliminate the requirement that agencies submit their rules that are printed in the Federal Register to each House of Congress. Instead of receiving the full submission of each individual rule, the House and Senate would receive a weekly list of all rules from the Comptroller General. The House and Senate would then enter that list into the CONGRESSIONAL RECORD with a statement of referral for each rule. Under these revisions, agencies would still be required to submit rules and reports to each House of Congress that were not printed in the Federal Register, and Congress could still employ the procedures in the Congressional Review Act to disapprove agency rules.

I urge my colleagues to join as cosponsors to this legislation that makes commonsense modifications of the Congressional Review Act.

A TRIBUTE TO DONALD S. LOPEZ

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SKELTON. Madam Speaker, I rise today to honor the life of LTC Donald S. Lopez, a military aviation pioneer and decorated hero who recently passed away at the age of 84.

Colonel Lopez was born on July 15, 1923, in Brooklyn, New York. He graduated from the Air Force Institute of Technology with a bachelor's degree in aeronautical engineering and a master's degree in aeronautics from the California Institute of Technology.

In preparation for World War II, Colonel Lopez enlisted and received his pilot's license in 1943. He was promptly sent to China and served with many veterans of the legendary American Flying Tigers, flying 101 missions and recording five victories, qualifying him to be recognized as an ''ace.''

Upon his return from China, Colonel Lopez was an Air Force test pilot for 6 years and went on to fly F–86s in Korea. During the next 6 years, he taught aeronautics at the Air Force Academy. During his military career, Colonel Lopez earned the Silver Star, two awards of the Distinguished Flying Cross, and three awards of the Air Medal.

Following his retirement from the Air Force in 1964, Colonel Lopez worked as a systems engineer on the Apollo-Saturn Launch Vehicle and the Skylab Orbital Workshop.

Colonel Lopez joined the Smithsonian in 1972 and was instrumental in planning the National Air and Space Museum. He served as deputy director of the museum from 1983 until 1990 and returned to the position in 1996.

I had the honor of meeting with Colonel Lopez while preparing to lead a congressional delegation to China last August. Colonel Lopez provided me with valuable insight into the experiences of the American Flying Tigers who worked with the Chinese military during World War II and the courageous pilots who flew supplies to them over the treacherous Hump Route from India at great peril.

Our visit to Kunming, China for a memorial ceremony and meeting with Chinese World War II veterans was an unforgettable and powerful reminder of the extraordinary service provided to our country by patriots such as Colonel Lopez.

Madam Speaker, Colonel Lopez served our Nation with the utmost dedication and is a true American hero. I know the Members of the House will join me in extending heartfelt condolences to Glindal Lopez; their two children, Don and Joy; and Laura, his granddaughter.

IN RECOGNITION OF THE STATE COLLEGE AREA HIGH SCHOOL MASTER SINGERS PERFORMANCE AT CARNEGIE HALL

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. PETERSON of Pennsylvania. Madam Speaker, I rise today in honor of a talented high school choir in my district, the State College Area High School Master Singers of State College, PA, which was chosen to perform at New York City's world-renowned Carnegie Hall on March 10, 2008.

The State College Area High School Master Singers were selected out of dozens of high schools across the country to perform in this concert. The event featured 200 students from four States, and was the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert was conducted by Dr. Craig Jessop, esteemed music director of the Mormon Tabernacle Choir, who was working with the choirs and their conductors throughout the year. Known best for their legendary musical performances, Carnegie Hall is also a pioneer of music education, and I am thrilled that these students were given such a remarkable opportunity to showcase their talent.

Led by Robert Drafall, the Master Singers is comprised of sophomores, juniors and seniors, and performs in a variety of venues as well as performing at the Heinz Chapel Chamber Choir Invitational, The Central Pennsylvania Festival of the Arts, and The Celebration of African American Spirituals. The Master Singers have distinguished themselves in earning superior ratings at adjudicated festivals in New York City, Toronto, Virginia Beach, and Chicago. They were invited to participate in a master class with the famed a cappella ensemble Chanticleer, and they have collaborated with the Central Pennsylvania Youth Orchestra and with the State College Choral Society and Orchestra in a performance featuring Metropolitan Opera Audition winners.

I am privileged to have one of the four schools in the Nation chosen for the Carnegie Hall National High School Choral Festival residing in my Pennsylvania district. I commend these students and their leaders for their accomplishment, and congratulate them for representing the State of Pennsylvania in their performance at the famed Carnegie Hall on March 10th.

RECOGNIZING THE HURLBURT AFA CHAPTER 398 TEACHER OF THE YEAR SELECTIONS FOR 2007–2008

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the Hurlburt Air Force Association Chapter 398 Teachers of the Year.

First, I would like to congratulate, Mr. Leo F. Murphy, who received the High School and Overall Teacher of the Year award. A teacher at Choctawhatchee High School, Mr. Murphy is deeply passionate about aviation and aerospace education. He began the first aviation and aerospace education program in the Okaloosa County School District and is the driving force behind its success. A retired U.S. naval officer, Mr. Murphy has over 4,000 hours flying time earned in his 30-year career. He instructs at both Choctawhatchee and Crestview High Schools, and Hurlburt AFA Chapter 398 is proud to recognize him.

Second, I would like to honor Ms. Shannon E. Farrell, the AFA Chapter's selection for the Middle School Teacher of the Year. Ms. Farrell teaches eighth-grade Physical Science at Woodlawn Beach Middle School. She incorporates engineering, science and technology into her classroom. Ms. Farrell also sponsors the school's Boosting Engineering Science and Technology, BEST, Robotics Club. The 60 students in her club have competed at local and regional events, and are now preparing to compete in the Physics Olympics at the University of West Florida.

It is also with great honor for me to recognize the co-winners of the Hurlburt AFA Chapter 398 selections for the Elementary School Teacher of the Year. Ms. Megan L. Tucker teaches fourth-grade students at Kenwood Elementary School and was named her school's teacher of the year for 2006–2007. She augments the discussion of aviation in the classroom with guest speakers. Ms. Tucker has teamed with the USAF Armament Museum to assist in the development of the ''Engineers for America'' initiative, which incorporates science, technology, engineering, and mathematics, STEM, into various activities. She has also coordinated with the Choctawhatchee Aviation Institute, Bob Skies Airport, and the Experimental Aircraft Association to introduce her students to the thrill of flight.

Lastly, it is with honor for me to recognize another outstanding teacher, Mr. Scott Erickson. He is a fourth-grade teacher at the W.H. Rhodes Elementary School. Since 2005, he has taught math, reading, writing, science and social studies. To engage his students in learning he has incorporated a variety of aviation related items into all facets of his teaching. He integrated items gleaned from a Hurlburt Chapter Teacher Workshops to improve reading skills and institute a rocket building program for his students. His latest endeavor is integrating reading, math, technology, geometry, and engineering procedures into a dynamic lesson involving simulated flight from point to point using sectional charts, videos, and written instruction. During this lesson, students measure angles, figure area of a triangle and circle, compute speed, figure averages, record data, and work as a team to achieve a final answer. Mr. Erickson is using the science, technology, engineering and mathematics aspects of aerospace and aviation to motivate his students to learn, explore, and discover.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the Hurlburt Field AFA Chapter 398 Teacher of the Year selections.

A PROCLAMATION HONORING ERNEST L. TODD AND LENA M. TODD ON THEIR 75TH WEDDING ANNIVERSARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, March 11, 2008, marks the day Ernest and Lena Todd have been lovingly married for 75 years; and

Whereas, their marriage represents the true spirit of love, compromise and support; and

Whereas, their life together from humble beginnings as a coal mining family in Tennessee have prospered into a loving extended family in Ohio consisting of 260 children, grandchildren, great-grandchildren, and great-great-grandchildren; and

Whereas, Ernest and Lena Todd represent the belief that love is eternal and will overcome all obstacles, for richer, for poorer, for better, for worse—forever; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I wish Ernest and Lena Todd a happy and healthy 75th wedding anniversary. We recognize the amazing commitment of love, friendship, and support these two people have made to each other and their family and the brightness and hope they have brought to those they have touched.

HONORING CALIFORNIA STATE UNIVERSITY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. ROYCE. Madam Speaker, I would like to take this opportunity to recognize my alma mater, California State University, Fullerton, as it celebrates its 50th anniversary.

In 1957, California State University, Fullerton, was founded by an act of the California Legislature. The enrollment consisted of 452 students when the first classes were offered in leased quarters at Sunny Hills High School, prior to the College moving to temporary buildings on a permanent site in 1960.

Half a century after its founding, more than 185,000 graduates have successfully developed careers in hundreds of industries.

Each year, more than 36,000 students attend classes at Cal State Fullerton, choosing from among 105 different degree programs including 55 undergraduate, 49 graduate and a doctorate in education, at eight distinct colleges: arts, business and economics, communications, education, engineering and computer science, health and human development, humanities and social sciences, and natural sciences and mathematics, all of which provide an outstanding education to the students.

Its studies have led students to careers in teaching, nursing, business, the arts, communications, health care, engineering, sports, the sciences and more. Cal State Fullerton graduates have gone on to successful careers and community-building, and their impact is felt not only in the State of California and the Nation, but throughout the world. Among these graduates are Academy Award-winning actors and screenwriters, television news reporters, Pulitzer Prize-winning journalists, successful novelists, doctors, lawyers, judges, teachers, professional athletes, entrepreneurs, legislators, scientists and business leaders and even a NASA astronaut who served on the crew of the Space Shuttle Endeavor that launched into space in August 2007.

Cal State Fullerton's student body also reflects the diversity of the State of California. As one of the most diverse campuses in the State, the university welcomes students of different ethnic groups, cultures and religions. In fact, many of these students are the first in their families to earn a university diploma.

The university received full accreditation from the Western College Association, later known as Western Association of Schools and Colleges, in 1961 and Cal State Fullerton now holds 14 national accreditations and associations.

In addition, ''Titan Pride'' has been the rallying cry for 12 national team championships in seven different sports.

Finally, Cal State Fullerton is known for its distinguished faculty, many of whom have garnered international and national reputations in their respective fields.

It is with great pride that I recognize Cal State Fullerton for 50 wonderful years.

RECOGNITION OF ANNA ROSE LIVINGSTON

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the generous spirit of third grader Anna Rose Livingston, a resident of my hometown of Syracuse, New York.

Approximately 2 months ago, Anna Rose viewed a film on the life of Mother Teresa during her Sunday school class at Bellevue Heights United Methodist Church. Moved by the work of the Catholic missionary to combat poverty and suffering in India and around the world, Miss Livingston developed a plan with the encouragement of her mother Sharon to gather and collect outdoor winter clothing for needy families in central New York.

The following week during the announcement portion of Sunday services at Bellevue Heights, 8-year-old Anna Rose stood to address the congregation and ask for their assistance in her developing effort. Later that week, she petitioned her teacher and principal at the Bishop's Academy at Most Holy Rosary to have the school's third graders join in her service project.

Today, three large parcels of hats, gloves, and coats have been assembled for delivery to families struggling to combat Syracuse's harsh winter weather, and Anna Rose has secured Brown Memorial United Methodist Church and its neighborhood missions on Syracuse near westside to assist in distribution.

Anna Rose Livingston's initiative and effort is a fine example of the compassion and giving spirit that exists in so many Americans, but Anna Rose's age and lack of prior experience in such a large service initiative make her motivation and success that much more remarkable.

On behalf of the people of New York's 25th Congressional District, I proudly recognize Anna Rose for her community service and express great hope that her selflessness and success will motivate similar efforts of charity throughout my hometown community and across this great nation by people of all ages.

INTRODUCTION OF CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2008

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, today, I am proud to introduce the Chemical Facility Anti-Terrorism Act of 2008, which was marked up and reported favorably by the Committee on Homeland Security on March 6, 2008.

This bill will extend and strengthen the Department of Homeland Security's current authority to regulate security practices at our Nation's chemical facilities. This legislation must be enacted to ensure that there is no lapse in our efforts to protect the Nation's chemical infrastructure from the threat of terrorism. The Chemical Facility Anti-Terrorism Standards regulations currently in effect will sunset in October 2009. The passage of this legislation is needed to update and improve those regulations and to make them permanent.

Shielding the Nation's critical infrastructure from foreign and domestic terrorism is one of my eight goals in charting the course toward freedom from fear. As I see it, extending DHS's authority to regulate chemical security is the right thing to do, and this legislation does it the right way.

For 4 months, the committee undertook a bipartisan effort to develop this legislation. There were extensive discussions with the Department, the chemical industry, including both large and small chemical manufacturers, fertilizer manufacturers, petroleum and propane manufacturers and distributors, water and wastewater facilities, environmental groups, labor organizations, State Governments, and academic and independent experts. The legislation I am introducing today with every Democratic Member of the Committee on Homeland Security is the product of this open, bipartisan process.

Given this effort, where the ranking member of the full committee and Transportation Security and Infrastructure Protection were involved in every aspect of this legislation, I was very disappointed that the Republican Members, with few exceptions, chose partisanship over progress and voted against the bill. The disagreement that was cited was over whether all regulated chemical facilities, or just a subset, should be required to assess whether or not they could incorporate practices to reduce the consequences of a terrorist attack in their processes. For the record, the bill requires only facilities assigned to a risk-based tier to undertake such an assessment. This is done to decrease the likelihood of a potential attack in the first place. That's just plain sensible.

This legislation does not seek to reinvent the wheel, as the Democratic Members of this committee believe that the fundamental approach taken under the existing chemical security regulations is the correct one. At the same time, the bill seeks to make several improvements to the program after the sunset expires. For instance, the current chemical security regulations exempt water treatment facilities regulated under the Safe Drinking Water Act and port facilities regulated under the Maritime Transportation Security Act. This bill does not have such an exemption and calls for the CFATS to work smoothly with the existing authorities. Testimony by the Department at previous hearings before this committee demonstrated that facilities with the exemption possess the same chemicals and are as proximate to major metropolitan areas as the currently regulated facilities. The testimony revealed there is no rational public policy reason to exempt them from the chemical security regime.

The bill also recognizes that water facilities need to be treated differently than other facilities. That is why we included provisions to require that the Secretary must provide funding for those that are required to implement inherently safer technology, IST. The bill also bars the Secretary from issuing any order or guidance under these regulations that contravenes laws, such as the Safe Drinking Water Act, and restricts the Secretary from enforcing ''cease operations'' orders against water facilities unless their operation represents a clear and present danger to homeland security. The provisions are intended to ensure that this legislation will not cause water to be less safe for communities.

The bill also protects the rights of States to pass their own regulations to secure chemical facilities so long as they do not directly conflict with this legislation; requires employee training and involvement of employees and their representatives in creating vulnerability assessments and security plans; creates strong whistleblower protections, and protects against illegitimate use of background checks.

I know that once this bill leaves this committee, there will be an effort to weaken it. I hope, however, that Congress will not allow narrow interests to interfere with the national security imperative of securing our chemical sector from terrorists. Only through the comprehensive approach laid out in this bill will we address our Nation's current vulnerability to a massive chemical attack using our own infrastructure against us. Exempting some facilities will make us less safe because those facilities, by their exemption, could become more likely to be attacked.

I hope that Congress will do the right thing to deliver to the American people freedom from fear of such a chemical attack by moving forward expeditiously to pass this legislation and make it law.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. COHEN. Madam Speaker, please excuse my absence from votes on Monday, March 10, 2008. My flight was delayed due to mechanical problems. Had I been present, I would have voted ''aye'' on each rollcall vote: 108, 109, and 110.

INTRODUCTION OF BILL ON OIL LEASE SALE IN THE CHUKCHI SEA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MARKEY. Madam Speaker, the Interior Department is currently considering whether to list the polar bear under the Endangered Species Act as a result of the impacts of global warming. While this decision has been nearly 3 years in the making, the Fish and Wildlife Service has now missed deadline after deadline for finalizing a decision on the future of the polar bear. On January 9, the Interior Department missed its statutorily required deadline for a decision, as required under the Act. Then, 1 month later, it missed its self-imposed deadline. Now, the decision on listing the polar bear, and the survival of this iconic species, is hanging in limbo.

Meanwhile, Secretary Kempthorne decided to move forward with an oil and gas lease sale in 30 million acres of sensitive polar bear habitat in Alaska's Chukchi Sea last month rather than wait until after a decision on the polar bear had been made.

The bulk of this legislation that I am introducing today is identical to H.R. 5058, which already has wide support from Members of the House. H.R. 5058 would have required the Interior Department to delay the oil lease sale in the Chukchi Sea until it had made a decision on listing the polar bear under the Endangered Species Act. The legislation that I am introducing today would delay the next steps in the oil leasing process until after the Interior Department makes decisions on the polar bear and on establishing the bear's ''critical habitat.'' This legislation would not prevent the next steps in the oil drilling process from ever occurring, but rather simply ensure that the Department first decides how to protect the polar bear.

It is disappointing that Secretary Kempthorne chose not to delay the lease sale until after the polar bear listing decision had been made. The legislation that I am introducing today would restore common sense to this regulatory lunacy by ensuring that we figure out how to protect the polar bear before taking any additional steps towards allowing oil drilling in key polar bear habitat. Secretary Kempthorne and his agency must not move any farther down the path they are taking of drill first and ask questions later—a well-worn path in this administration. If this administration refuses to stop the oil drilling process until after it figures out how to protect the polar bear from global warming, then the Congress must step in to protect the polar bear and the taxpayers.

A PROCLAMATION HONORING GENE MACDONALD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, Gene MacDonald is the founding president of the Appalachia Development District and served admirably with that association, the Ohio Mid-Eastern Governments Association for 30 years; and

Whereas, he is a 30-year board member of the Muskingum Area Technical College/Zane State College; and

Whereas, Gene MacDonald worked as the Zanesville Industrial Program Executive for 14 years; and

Whereas, he served as the director of planning and physician recruitment at Bethesda Hospital/Genesis Health Care System for 21 years; therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Gene MacDonald for his contributions to his community and country.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. WOOLSEY. Madam Speaker, on March 10, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 108–110. Had I been present I would have voted: rollcall No. 108—''yea''—National 9–1–1 Education Month; rollcall No. 109—''yea''—E. Arthur Gray Post Office Building; rollcall No. 110—''yea''—Steve W. Allee Carrier Annex Post Office Building.

INTRODUCTION OF THE MEDICARE ORAL HEALTH REHABILITATIVE ENHANCEMENT ACT OF 2008

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. PASCRELL. Madam Speaker, I rise today with my colleague Congressman CANTOR (R–VA) to introduce budget neutral legislation that will strengthen and enhance the Medicare program by allowing dentists and the surgical arm of dentistry to refer their patients directly to physical therapy, PT, services. This necessary legislation will save significant time and Medicare resources by allowing qualified dental professionals to directly refer and establish their patient's rehabilitative process.

This simple yet necessary legislative fix will permit physical therapy services to be furnished under the Medicare program to individuals under the care of a dentist. Current Medicare statute prohibits the direct referral of patients for PT under the care of dentists as well as oral and maxillofacial surgeons, OMS.

Oral and maxillofacial surgeons, the surgical arm of dentistry, regularly treat patients with medical conditions that require physical therapy. These conditions include, but are not limited to, facial trauma such as jaw fractures, temporomandibular joint disorder, TMJ, and reconstruction procedures subsequent to pathological and/or congenital anomalies. Oral and maxillofacial surgeons undergo rigorous hospital-based education and training that allows them to perform complex surgical procedures of the head and neck. Nationally, they treat thousands of patients each year.

Unfortunately, current Medicare law prohibits an oral and maxillofacial surgeon from directly referring their patients for physical therapy services. Instead, a dentist or OMS must first refer their patients back to an allopathic or osteopathic physician and work with such a physician to establish a therapy plan when an OMS believes physical therapy should be part of their patient's treatment. Such consultation has proven to be inefficient, unnecessary and cumbersome, and it ultimately delays patient treatment and the continuum of care.

Congressman CANTOR and I are proud to have crafted a budget neutral bill that will allow patients to access necessary PT services, restore their oral health and quality of life, and reduce unnecessary bureaucracy and cost that currently slow the rehabilitative process.

My colleague and I would like to thank our local New Jersey and Virginia oral and maxillofacial surgical communities as well as the American Association of Oral and Maxillofacial Surgeons, AAOMS, for supporting this legislation and working closely with us to improve patient access to oral health physical therapy services.

IN HONOR OF DR. W. JOE LEWIS

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MARSHALL. Madam Speaker, it is with great pleasure that I rise today to honor Dr. W. Joe Lewis of Tifton, GA, on the occasion of his selection as a recipient of the 2008 Wolf Foundation Prize in Agriculture. This prize is given annually to recognize the achievements of outstanding scientists in six fields and comes with a $100,000 award.

Dr. Lewis is being honored by the Wolf Foundation for his key role in discovering mechanisms governing plant-insect and plant-plant interactions. His scientific contributions have greatly assisted the development of an ecologically sound approach to integrated pest management and have helped to advance agricultural sustainability worldwide.

Madam Speaker, this award is just one example of Dr. Lewis's scientific contributions. Long recognized as a leader in the field of research entomology, his work has been featured in more than 200 scientific publications and highlighted on a number of broadcast programs. Dr. Lewis is often sought out by others for his knowledge and experience, and has mentored numerous students and scientists who are now making their mark on the world through their own scientific contributions.

Although recognized for his achievements, Dr. Lewis began life humbly as a sharecropper's son in Mississippi. His college studies led him into entomology and eventually brought him to Georgia.

From 1967 until his retirement in 2006, Dr. Lewis was a researcher with the U.S. Department of Agriculture in Tifton, Georgia, and also held adjunct faculty positions with both the University of Georgia and the University of Florida. In his time with the USDA, the Secretary of Agriculture promoted him to supergrade rank, and his numerous grant awards included $4.3 million to explore the possibility of training insects as biological detectors.

Dr. Lewis has also been active in civic and community affairs. For more than a decade, he has served as the vice mayor of Tifton, GA. Previously, he served as a member of the city council and was involved with his community's downtown development and historic preservation. He also served on the board of elections, planning and zoning, and mental health services.

Madam Speaker, I am confident my colleagues will join me in recognizing the scientific and civic achievements of this great Georgian and American.

TRIBUTE TO THOMAS J. GRAFF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. GEORGE MILLER of California. Madam Speaker, tonight many of Tom Graff's friends and associates will be honoring his career and accomplishments at a dinner in California. Because I can't make it to Sacramento for tonight's dinner, I rise today to pay tribute to one of the great leaders, strategists, and intellectual engines of the environmental movement of the last several decades.

Tom Graff founded Environmental Defense Fund's California office in 1971, and he has been one of the most influential, effective, and important voices in California environmental policy—and especially in the water world—ever since. Indeed, Tom has been deeply involved in the messy and fascinating world of water politics and policy since before I came to Congress. Not many people can say that.

Over our decades of friendship, Tom has frequently been a lifesaver to me, to my staff, and frankly to the people of California. He always looks for solutions, even to the most intractable problems, and whenever we've needed to get the latest thinking on environmental policy water policy, the first call we make is to Tom.

Now, despite his genius, he hasn't always seen the wisdom of my approach to every specific issue, so from time to time, I have been on the receiving end of his strong—even passionate—views. But every interaction with Tom is educational, and leaves you wiser at the end of the day.

Among many other accomplishments, Tom's negotiating prowess and his wisdom were critical to the passage of legislation that I authored in 1992 to protect the Bay-Delta of California: the Central Valley Project Improvement Act.

The CVPIA took us many years to put together, and Tom's hard work is visible throughout the statute. One of Tom's great insights was in advocating for, and helping to

develop, the water-marketing agreements that helped bring the business world and the urban water community on board. His work on water marketing has always been ahead of his time: he was early to the idea that market forces can be brought to bear on conservation and the protection of water and other public goods.

This is a great example of Tom's ability to look at new ideas and adapt them to environmental improvements, which has always been an incredible strength, one matched by very few people—too few, really—in the world of environmental policymaking.

Nothing in California water politics is easy, as the people gathered in Sacramento tonight can attest, and Tom is one of the very few people who can broker an agreement between the north and the south, between State and Federal politicians, between Democrats and Republicans, and of course, between Democrats and other Democrats.

Tom is a great friend, and a great ally. I have relied on his counsel for 30 years, and whenever a new issue crops up that requires an innovative strategy, I turn to him—and so do many, many others.

Madam Speaker, on behalf of myself, my staff, and all of our colleagues in Congress who have benefited from his guidance and advice, it is my honor to recognize Tom Graff.

HONORING GAIL SWARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Gail Nanette Sward for her dedication to her family, business and community. Mrs. Sward passed away at her home in Oakdale CA, surrounded by her family on Sunday, March 2, 2008.

Gail Sward was bom and raised in Stanislaus County; she attended Turlock schools and graduated from Turlock High School in 1959. On March 1, 1966, Sward Trucking began operating out of Oakdale, as a sole proprietorship and became a California Corporation on September 1, 1977. Mrs. Sward was the co-founder of Sward Trucking and helped to build it from the ground up. Today Sward Trucking operates 50 tractors and 100 trailer units to transport a number of commodities including: lumber, roofing, insulation and related building materials, corrugated paper, waste paper, glass containers, empty cans, plastic bottles, case goods and plastic pipe. The company transports goods throughout California, Arizona, Nevada, Oregon and Washington. Mrs. Sward was only more dedicated to one other thing in her life, her family.

Mrs. Sward was a mother, a businesswoman, a community advocate and leader. She was a past president of the Oak Valley Hospital Foundation, past president of OLGA, director and past president of the Stanislaus County Fair Board. She was also a board member of Private Industry Council and past president of the Oak Valley Hospital Board. She has been honored for her services in a number of ways. In 1996 Mrs. Sward was a delegate to the Republican Convention. In 1998 she was named the Stanislaus County Outstanding Woman of the Year and the 1999 Legislative Woman of the Year.

Mrs. Sward is survived by her husband of 47 years, Vic Sward, her children; Saundra West and Eric Sward; her grandchildren; Sara Shipman, Nic West and her great grandchildren; Cameron, Kaidyn, Cole and Case.

Madam Speaker, I rise today to posthumously honor Gail Sward for her dedication to her family, her business and her community. I invite my colleagues to join me in honoring her life and wishing the best for her family.

A PROCLAMATION HONORING ZANE STATE COLLEGE FOR ITS NO. 9 RANKING OF BEST 2-YEAR COLLEGES IN THE NATION, AS REPORTED BY WASHINGTON MONTHLY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, Zane State College in Zanesville, Ohio, has achieved the distinction of being ranked the 9th Best 2-Year College in the Nation, as reported by Washington Monthly magazine.

Whereas, this ranking is based on Zane State College's graduation rates that are approaching three times the national average and on student feedback as collected in the Community College Survey of Student Engagement, which measures how well the Nation's 2-year colleges use teaching techniques that lead to better learning; and

Whereas, 43 percent of all college freshmen begin their education at 2-year institutions, which is an important reason for comparing effectiveness and student experiences at 2-year colleges; and

Whereas, Zane State College's academic challenge, high student-faculty interaction, support for learners, and above-average graduation rates are testaments to Zane State College's impressive ability to meet the needs of its students, many of whom are the first in their families to ever attend college; and

Whereas, collaborative support from the community surrounding Zane State College has played an important role in the success of these students as well; and

Whereas, Zane State College's well-deserved ranking is also due to the highly effective leadership demonstrated by its president and its supportive boards. Thanks to this leadership, and to a philosophy of "personal touch" demonstrated by faculty and staff, Zane State College has rightfully earned its rank as one of the best 2-year colleges in America; and be it

Resolved, that along with its friends, family, and the residents of the 18th Congressional District, I commend and thank Zane State College for its outstanding service to students, families, and the Zanesville community. Congratulations to Zane State College on its ranking as number 9 among 2-year colleges in the U.S.

PERSONAL EXPLANATION

HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. KELLER of Florida. Madam Speaker, I have remained in Orlando, with my wife and our new daughter who was born on Monday, March 3. If I had been present yesterday, I would have voted in the following manner: Rollcall 103: "nay"; Rollcall No. 104: "nay"; Rollcall No. 105: "yea"; Rollcall No. 106: "nay"; Rollcall No. 107: "nay."

WOMEN'S HERITAGE MONTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in honor of Women's Heritage Month to commend the accomplishments of two astonishing black women, Dr. Beverly Mitchell Brooks and Ms. Nellie Ruth Riley Lewis of Dallas, Texas.

Born, raised and educated in south Dallas, Ms. Mitchell-Brooks received a master's degree in genetics from Texas Woman's University in Denton, Texas, becoming the first African-American to achieve the degree in pure science from the school. In 1990, she became the first woman to head the Urban League of Greater Dallas, which has set the path for future generations of young women. Under her leadership, the Urban League built its first permanent headquarters and state of the art technology center in the heart of Oak Cliff.

Currently serving as president and CEO of the Urban League of Greater Dallas, Dr. Brooks has also served as executive director of the Greater Dallas Community Relations Commission, director of public affairs for Dallas Area Rapid Transit, and director of the Martin Luther King Center.

I pay tribute to another prominent Dallas community leader, my dear friend who left us on March 1, 2008, Nellie Ruth Riley Lewis. Throughout her life, Nellie Lewis was a well-known, respected figure in Dallas who leaves behind a legacy of accomplishments that will be remembered for years to come.

Mrs. Lewis moved to Dallas in 1977 with her late husband Dr. Lewis, where they were both employed with the Dallas Independent School District. During her 20 years with DISD, Mrs. Lewis' duties included serving as an instructional specialist, a curriculum coordinator and an area director. She also served as director of learning services, the administrative assistant to four superintendents and supervisor to a group of 10 elementary school principals.

In 1997, Mrs. Lewis received the Charles D. Moody Founder's Award, presented by the National Alliance of Black School Educators. As our Nation experiences great technological innovation and success in the global market, the value of an education takes on even greater importance. Mrs. Lewis has exhibited the characteristics we seek in our educators, school administrators, and community activists.

On behalf of the 30th Congressional District of Texas, I am honored to recognize and commend these two prominent women Dr. Beverly

Mitchell Brooks and Ms. Nellie Ruth Riley Lewis of Dallas, Texas.

HONORING TANYA MARTIN OUBRE PEKEL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Tanya Martin Oubre Pekel of Miami, Florida.

On Monday, May 22, 2006, this great pioneering young woman succumbed to a nearly 3-year battle with breast cancer at the age of 41. Her untimely passing will truly leave a deep void in our midst.

A native of Miami, Mrs. Martin Pekel was born on October 3, 1964. She graduated with honors from North Miami Senior High School. During that time she served as a page for U.S. Representative William Lehman and worked as a clerk for attorney H.T. Smith. Later, she earned a bachelor's degree from Duke University, and in 1989 she received her juris doctorate from Duke's School of Law.

Mrs. Martin Pekel continued on to work as a corporate attorney before being appointed a White House Fellow by President Clinton in 1995. Under this appointment, she became an associate director of Education and Policy Planning in the White House. In 1999, she accepted the position of Chief of Staff to Superintendent Patricia Harvey of Saint Paul Public Schools in St. Paul, Minnesota and served in the position for 6 years. In 2003, she was named one of that city's up and coming leaders.

Her commitment to public service and her community was evident from a young age. Throughout her life, she taught music, drama, dance, and Sunday school to children in an inner-city ministry. In addition, she volunteered as a tutor and mentor for at-risk youth.

Tanya Martin Oubre Pekel's life was a triumph. She was blessed with a loving family who took pleasure in every aspect of her life and her interests. Though she was taken from them far too early in her life, memories of her will live on in the heart of her family forever.

I pay tribute to Mrs. Martin Pekel, and I mourn her loss. She will be missed by all who knew her. I offer my heartfelt condolences to her family—her mother, Marcia Saunders; father, Montez Martin Jr.; husband, Kent; daughters, Lauren and Victoria; son, Adam; sisters, Terrie Rayburn and Emily Martin; brother, Montez C. Martin III; and grandmother, Elise Martin.

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. RODRIGUEZ. Mr. Speaker, today I wish to express my strong support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. As a former social worker serving in the United States Congress, I am a proud cosponsor of this bill and am pleased to see it passed in the House of Representatives.

In my previous career, I worked with people affected by mental illnesses and substance abuse. Having seen the devastating effects these illnesses have on people's lives and their communities, I am glad my fellow Members of Congress also recognize that mental health services are absolutely critical to helping individuals regain control over their lives.

For years, people with mental illnesses have faced restrictions on the number of visits they can make to their providers and financial limitations which are either too restrictive or too costly for them to receive the treatment they require. With this bill, we empower people to seek the help and support they need. By helping make mental health services more accessible, we aid people to take a very important step toward overcoming the technical and social psychological barriers surrounding mental health.

Mental illnesses, like most other medical conditions, can be alleviated with treatment. When left untreated, these illnesses worsen and become a larger burden for the affected person. Because treatment is available and effective, it is a great injustice to allow financial and procedural restrictions to become yet another barrier people with mental illnesses have to overcome. Therefore, it is reasonable and fair that these illnesses receive the similar type of attention and medical coverage as other health conditions.

Mental health is a fundamental element of overall health wellness which has not been fully recognized in the past. I am confident this bill will make it possible for millions of people to improve their quality of life. I commend my colleagues for making this a reality for many of their constituents.

TRIBUTE TO JOHN M. ''TERRY'' MYLNE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. John ''Terry'' Mylne is one of these individuals. On December 30, 2007, John's term representing Western Municipal Water District on the Metropolitan Water District board of directors ended. He was recently recognized for his dedicated service and retirement at a December board meeting of the Western Municipal Water District.

A fourth generation Riverside native, Terry Mylne represented the District for 29 years. He served as a Western board member from 1978 to 1995 and was on the Metropolitan board representing Western since 1993.

Prior to and during his tenure with the District, Terry excelled in every endeavor. He obtained his bachelor's degree in engineering and master's degree in business administration from Stanford University, before beginning his career as manager of irrigation science for the Toro Company. He was elected to serve as a Western board member from 1978 to 1995, and served as Western's representative on the board for the Metropolitan Water District of Southern California since 1993.

Terry was appointed to many Metropolitan committees during his years representing Western's interests, including serving as chairman of the finance and insurance committee, engineering and operations committee, land committee, committee on legislation, subcommittee on annexations, the facility naming ad hoc committee, and the electric industry restructuring ad hoc committee.

Terry is an active member of the Association of California Water Agencies; he has also served as director of its municipal water district section, its Joint Powers Insurance Authority board, its executive committee, and as a member of its directors and building committee.

Terry's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call John a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he ends his term.

A PROCLAMATION HONORING HOCKING COLLEGE FOR THE RECEIPT OF THE 2008 COUNCIL FOR HIGHER EDUCATION ACCREDITATION AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, Hocking College celebrates its receipt of the 2008 Council for Higher Education Accreditation Award with great joy; and

Whereas, this recognition is the result of what a hard-working people began in 1969; and

Whereas, Hocking College has unwaveringly served Ohio, its citizens, and the higher education community by providing higher education within the State of Ohio; and

Whereas, Hocking College has availed itself to prepare students in a more comprehensive manner to adapt to the needs of an increasingly technical and communicably diverse working society by voluntarily incorporating communications requirements into its curriculum; and

Whereas, Hocking College looks forward to continuing service to the citizens of Ohio and providing outstanding examples of higher education; be it

Resolved, that along with its friends, family, and the residents of the 18th Congressional District, I congratulate Hocking College for its service, dedication and award.

CONGRATULATING THE UNIVERSITY OF KANSAS FOOTBALL TEAM FOR WINNING THE 2008 FEDEX ORANGE BOWL

SPEECH OF

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to introduce House Resolution 948, which honors the University of Kansas football program on their recent victory at the Orange Bowl and their most successful year in program history.

On January 3, the KU football team won the 2008 FedEx Orange Bowl, marking their first major bowl victory in university history. Leading up to the bowl game, the team placed 12 wins on their roster, setting a new school record for wins in a season. KU also reached the number two spot of the AP national poll, which marked the highest national ranking that the program has ever received.

Among their athletic accomplishments this season, the team also produced three students who received All-American titles for their performances on the field and two other students who were Academic All-American recipients. Head Coach Mark Mangino also received multiple national Coach of the Year honors.

Please join me in recognizing these accomplishments and congratulating KU on their amazing victories this season.

HONORING THE VERY REVEREND VENSESLAV DIMITROFF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize the Very Reverend Father Venseslav Dimitroff of Toledo, Ohio.

The Very Reverend Father Venseslav Dimitroff, a wise and faithful servant who shepherded his family and his community around the world, departed this life on Wednesday, February 27, 2008. A beacon of hope and service to his Toledo community, he will be sincerely missed by all. He was born on July 12, 1923, in Bourgas, Bulgaria. He spent his early childhood in Edirne, Turkey where his late father, the Very Reverend Mihail Dimitroff was the principal of the former ''Peter Beron'' Bulgarian high school and his mother, the late Ekaterina, a teacher. His family moved to Plovdiv, Bulgaria, when he was 7 years old and he stayed there until 1944, few days before the Communist takeover of the country. He had to leave his homeland again and move to Istanbul, Turkey. He served in the Turkish Military for 4 years. He married Marina Veneziani on November 7, 1955, at Sveti Stefan Bulgarian Church where his father had become an Orthodox priest. He was ordained to the priesthood himself in March of 1961 by the Greek Orthodox Patriarchate of Constantinople. He was elevated to Cross-bearing Archpriest in May of 1973 by the Patriarch Maxim of Bulgaria. He served at St. John of Rila Church in the Bulgarian Exarchate in Istanbul until July of 1975.

At the invitation of the late Archbishop Kyrill Yonchev and the late Mrs. Pena Evanoff, one of the founders of the St. George Bulgarian Church in Toledo, Ohio, he immigrated to the United States in August of 1975. He served the small immigrant church community until his retirement in August of 1995. Father Dimitroff was a very friendly person who enjoyed talking to people from all walks of life. He loved reading, especially Balkan history and politics, and was an avid soccer fan who loved watching all kinds of sports on television. He beautified his home and community by being a masterful gardener. His church housed a lush gorgeous garden full of flowers, especially tulips and roses.

In the summer of 1992 he fulfilled a dream to return to Bulgaria for a visit to his brother after a 48-year separation. Four years later, in 1996, through the generous hospitality of Mr. and Mrs. George Lutikoff, he was able to revisit his family in his beloved Istanbul to spend a wonderful vacation among the members of the Bulgarian community residing there.

It is with the deepest appreciation that I pay tribute to the long life of a good, patient and kind man, the Very Reverend Father Venseslav Dimitroff. He lived his years in service to his family, friends, and our Toledo community. May God welcome ''Ven'' home; a good and faithful servant. May He shower him royally with blessings into eternity and bestow upon him a loving peace.

PAYING TRIBUTE TO ''COOGAN'S ANNUAL SALSA, BLUES & SHAMROCKS 5K RUN'' ON ITS 10TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to join me in recognizing Coogan's Restaurant's 10th Annual Salsa, Blues & Shamrocks 5K Run, a local institution in my district that was founded on the premise that ''kids who run, do better in school.''

Coogan's Annual Salsa, Blues & Shamrocks 5K Run is a celebration of the strong community ties and rich cultural diversity of northern Manhattan. The scenic route circles the historic Cloisters and returns to 169th Street. The New York City Road Runners Organization, organizers of the New York City Marathon, calls this ''the best road race outside of Central Park.''

More than 2,500 runners of all ages including world class competitors along with local celebrities participate in the race. A collage of over 20 different musical groups including gospel, bagpipes, meringue, salsa, and brass bands will serenade the runners along the route. Hundreds of kids running their hearts out all receive their Olympic style medals awarded by local firefighters and policemen.

Races ''within the race'' include the Captain Frederick III, Jr. Uniform Services Race created in memory of a local firefighter who lost his life in the World Trade Center attacks on September 11, 2001. Participants from the Fire Department, Police Department, and Uniformed Services will compete for the Captain Frederic III, Jr. FDNY Victory Cup.

Another race within the race is the Norbert Sander High School Open named after Dr. Norbert Sanders, M.D., founder of the Armory Foundation. This race features teams of high school students competing for trophies and awards. Winners receive $500, to be donated to their high school sports programs.

Coogan's Annual Salsa, Blues & Shamrocks 5K Run was founded in 1998 by the managing partners of Coogan's Restaurant: David Hunt, Peter Walsh, and Tess O'Connor McDade. This five kilometer running party has been an extraordinary event ever since, packed with the pulse and flavors of one of New York City's most diverse neighborhoods.

On the 10th anniversary of this momentous race, I congratulate and offer my best wishes for the continued success of the race and its organizers. What began as a run to help children do better in school has become a remarkable accomplishment that should inspire other communities across our great Nation to pursue similar goals with devoted persistence.

IN HONOR OF REGINA WERDER O'CONNOR

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. BLUNT. Madam Speaker, I rise today to honor Regina Werder O'Connor on her 90th birthday. It has been my pleasure to know and work with her granddaughter, Kathleen O'Connor, who has told me about her grandmother's wonderful 90 years.

It's important in this day and age for children to grow up in a strong family environment. Gina made sure that her four children grew up in a home that valued hard work, devotion to their Faith, and love for the Buffalo Bills. Her children have now passed these values on to her many grandchildren, and now great-grandchildren.

Gina has also been a blessing to her community. She sacrificed many hours in service to the high schools her children attended. She has been a devoted and faithful parishioner of her beloved St. Mark's Parish for which, over the past several decades, she has sent out weekly parish bulletins to shut-in parishioners. She has also been a long-time volunteer at Sister's Hospital where she finds time to not only help those at the ''Welcome'' desk but also to help ''the old people'' she sees there.

Gina is a true pillar in the community. Her devotion to her family and commitment to helping others are examples to us all.

I would like to ask this House to extend best wishes for her upcoming birthday on March 21st and for many, many more. May her coming year be filled with happiness and good health.

A PROCLAMATION HONORING THE 100TH ANNIVERSARY OF THE JOHN McINTIRE LIBRARY CARNEGIE BUILDING

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the John McIntire Library Carnegie Building celebrate the 100th anniversary with great joy; and

Whereas, occasions such as these illustrate to us the dedication and the support of the many in preserving history and information for the public; and

Whereas, it is the fond wish of this body that you will continue to preserve this history in its State memorial to demonstrate the importance of knowledge, freedom of information, and education. It is also the wish of this body that you maintain your stand as a symbol to this generation that our strength lies in our knowledge and history and the entwinement therefore, so that we may never forget the past; be it

Resolved, That along with the residents of the 18th Congressional District, I commend the Friends of the Library for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this library has had in the community and in the lives of those people you have touched.

CONGRATULATING THE TEHACHAPI HIGH SCHOOL WARRIORS VARSITY FOOTBALL TEAM

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor the Tehachapi High School Warriors varsity football team. The Warriors have won the 2007 California Interscholastic Federation Central Section Division III championship, also known as the Valley Championship.

The championship game took place on Friday, November 30, 2007. The Warriors defeated Foothill High School, 33-28, in its last game of the season to win the championship. Victory wasn't sealed until the final minutes of the fourth quarter. The Warriors, finishing the season with a record of 12-1, won their ninth CIF championship averaging 33 points per game, giving this year's team the fourth highest alltime points per game in the 78-year history of Mountain Football. Additionally, in its 13 games, the team completed 4,443 yards of offense and scored 62 touchdowns.

I want to extend my congratulations to the Tehachapi High School Warriors student athletes for their impressive championship win and their strong 2007 season. The 2007 roster included Justin Hansen, Kurtis Knudson, Franky Rodriguez, Ehren Ochsenrider, Dan Rakowski, Garrett Coontz, Josh Schulgen, Nick Howell, Derek Lange, Neal Herman, Jesse Olofson, Tyler Hack, Steve Miller, Zach Maravigli, Zeke Saavedra, Chris Marsik, J.J. Balkar, Will Clark, Adam Mullen, Richie Meister, Josh Strauss, Kelly Lorenz, Jeff Waldram, Austin Herman, Angelo Loli, Matt Henry, Louie Olofson, Byron Herman, Jason Hail, Marshall Pearson, John Cramer, Damian Rodriguez, Joey Hack, Alek Taliulu, Matt Santos, Jonathan Perrien, Vince Ortiz, Cameron Hood, Dominic Chavarria, Cody Rogers, Eric Harroun, Kevin Ruiz, Brent Hanes, Humberto Silva, John King, Jimmy Lopez, Marcus Abarquez, Ryan Rubi, Drew Howell, Steve Brass, Luke Papac, Geo Higareda, Mike Gonzalez, Tucker Kill, Phil Smith, Chris Fimbres, Shawn Pimentel, and Jon Castelblanco.

The coaching staff of the Tehachapi High School Warriors helped to lead the team throughout this incredible season. The Warrior head coach is Steve Denman. In the playoffs, Coach Denman claimed the distinction of having the most wins of any head coach in the history of football in Kern County with 223 victories. The Warriors' assistant coaching staff included Bill Carll, Pat Snyder, Dennis Ruggles, and Chris Olofson. Roger Davis and Derek Thompson were the medical staff for the team, and team videos were handled by Larry Campbell.

All of the components of the Tehachapi High School Warriors varsity football team came together in this championship season. Their stellar teamwork, combined with months of physical and mental training, enabled the Warriors to win this Valley Championship. I am sure that this experience will benefit these young men long after their high school graduation.

On behalf of the residents of the 22nd Congressional District, I commend the Tehachapi High School Warriors on winning the 2007 Valley Championship. I know the parents, teachers, neighbors, and fans in our community will remember this season for many years to come.

105TH ANNIVERSARY OF SANDOVAL COUNTY, NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mrs. WILSON of New Mexico. Madam Speaker, Sandoval County, New Mexico celebrated its 105th anniversary yesterday, March 10, 2008. Please join me in recognizing the historical importance and many achievements and contributions the residents of this county have provided the State of New Mexico.

Sandoval County was a thriving area centuries before Don Francisco de Coronado explored the area and first made camp near present-day Bernalillo in 1540 A.D. Prehistoric artifacts in many areas of the county date back thousands of years, with archaeological finds suggesting that Sandía Man lived and hunted in the area thousands of years ago.

The area, consisting of modern-day Sandoval County, was included in one of two partidos, or districts, created in the New Mexico territory. It became part of Santa Ana County. One of seven political subdivisions created in 1852, Sandoval County was first established as a separate entity on March 10, 1903, nine years before New Mexico's statehood. The area that forms Los Alamos County was separated from Sandoval County in 1949.

Sandoval County boasts historical sites such as Coronado State Park, Bandalier National Monument, the Ceremonial Caves Trail, Jemez Springs, Casa San Ysidro, the historic Delavy House, the Vintage Auto Museum, and the Intel Museum.

Sandoval County is one of the most geographically and culturally diverse areas in the Nation. Congratulations on your 105th anniversary.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. POE. Madam Speaker, due to other congressional business, I unfortunately missed recorded votes on the House floor on Wednesday, March 5 and Thursday, March 6, 2008.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "nay" on rollcall votes Nos. 94, 95, 96, 99, 101, 103, 104, 106, and 107 and "yea" on rollcall votes Nos. 97, 98, 100, 102, and 105.

RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT (H.R. 5351)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today to urge my colleagues to join me in supporting the long overdue Renewable Energy and Energy Conservation Tax Act. The American people have demanded that Congress change our national energy policy; we must prioritize clean energy over greenhouse gas emitting fuels, and support entrepreneurial American energy producers over oil companies posting record profits.

H.R. 5351 extends tax credits for renewable energy production and pays for them by repealing large subsidies for oil and gas corporations. The domestic green energy sector creates thousands of high-paying jobs each year and has seen tremendous growth recently except when Congress has let these incentives expire. Congress must provide this industry the support and consistency it needs to become a major supplier of both energy and jobs.

This legislation also gives a tax break to consumers who purchase a hybrid vehicle and ends the perverse incentive to purchase gas-guzzling SUVs. If our Nation's automakers are to remain competitive, we must end the policies that encourage production of the cars of yesterday—cars that cost more to own and take a higher toll on our planet.

Many on the other side of the aisle have decried this legislation under the false assumption that it will raise gas prices at the pump, that it will discourage domestic exploration and production. They say this even though President Bush—at a time when the cost of oil was half of what it is today—asserted that such subsidies were not necessary to spur domestic oil and gas exploration and production. The record oil prices of over $100 per barrel—leading to gas prices headed toward $4 per gallon—are more than enough of an incentive. In fact, these tax breaks for big-oil take money, even failed to lower gas prices when they were implemented, and today serve only to redistribute billions of dollars from hard-working American families to literally five corporations, including Exxon, which recently reported higher profits than any other company in history.

In a time of an uncertain economic outlook, it is more critical than ever that we invest in

the energy sources and industries of tomorrow, and address the realities of climate change, rather than continue down the misguided path of President Bush and the previous Republican Congresses—a path that has led us to an unprecedented dependence on foreign oil, skyrocketing gas prices, and economic recession.

Once again, I urge passage of this legislation—legislation with broad support from industry, the environmental community, and even power companies—and I thank Speaker PELOSI and Chairman RANGEL for making energy security a priority for the 110th Congress.

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

SPEECH OF

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. WALBERG. Mr. Speaker, I rise today to express concerns with H.R. 1424, the ''Paul Wellstone Mental Health Addiction and Equity Act of 2007.'' First, let me say I am a strong supporter of providing mental health parity and was pleased to support the alternative in the House Education and Labor Committee during mark-up. Senate bill 558 is a reasonable approach that will protect consumers and insurance providers alike and why it passed the Senate under unanimous consent. Unfortunately, the bill under consideration today in the House constitutes a costly employer mandate that has the potential to increase costs, leading to decreased coverage. The Congressional Budget Office estimates H.R. 1424 would impose mandates on private insurance companies totaling $3 billion annually by 2012. These costs will ultimately hit employers offering health insurance and employees seeking to obtain coverage.

Furthermore, I am concerned with using a substantial increase in the Medicaid prescription drug rebate as one of the offsets to pay for this legislation. This increase raises the basic rebate on innovator brand pharmaceutical companies by 33 percent. Increasing the discounts prescription drug manufacturers already provide the government under Medicaid could stifle innovation in the development of future treatments. My constituents yearn for the latest breakthrough therapies for cancer, Alzheimer's, diabetes, and so many other diseases. We owe it to them to encourage that innovation and not hinder its development with federal legislation.

These are just two examples of why we should oppose H.R. 1424. I would urge my colleagues to support the reasonable alternative House Republicans will bring to the floor today.

RALPH TEMPLE TO RECEIVE ACLU–NCA BARTH AWARD

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. BUTTERFIELD. Madam Speaker, the American Civil Liberties Union of the National Capital Area on March 18, 2008, will present to Attorney Ralph J. Temple their Annual Alan and Adrienne Barth Award for exemplary volunteer service. Alan Barth was a founder of the ACLU–NCA, and Adrienne Barth was an ACLU activist in her own right, a regular weekly legal intake volunteer for decades.

Legions of friends, fellow lawyers, past clients and others, who have been so inspired, over the years, by the bold, trailblazing and trend-setting efforts of Ralph Temple are expected to gather at the luncheon. His defense in particular of matters involving the first amendment is noteworthy and typified his tenure with the ACLU and in other venues.

In April 2000 in connection with DC police mass arrests of World Trade protesters, Ralph prepared a series of memoranda presenting a strategy for challenging mass arrests, based on ACLU–NCA's 1960s and 1970s victories against the mass arrests of anti-Vietnam war protesters. Those memoranda were supportive of litigation culminating in the unprecedented 2004 settlement in Abbate v. Ramsey, requiring across the board reform in DC police mass demonstration policies and practices. In December 2003 Ralph wrote the ACLU–NCA's report, ''The Policing of Demonstrations in the Nation's Capital: A Misconception of Mission and a Failure of Leadership.'' On December 17, 2003, his report was presented to the District of Columbia Council along with Ralph's 1½ hours of testimony as a special witness, and significantly contributed to the council's enactment of the Police Standards Act of 2004, the Nation's most profound legislation restricting police conduct during mass demonstrations, legislation that has helped to illuminate the vital importance of free speech to our constitutional Government.

In 1975, he was involved in A Quaker Action Group v. Morton, 7-year litigation, that produced five opinions by the U.S. Court of Appeals and culminated in invalidating restrictions the Government tried to impose on demonstrations at the White House. In 1972, he was involved in Jeannette Rankin Brigade v. Chief of the Capitol Police, wherein the Court invalidated a statute prohibiting demonstrations at the U.S. Capitol, based on the record established by the ACLU in U.S. v. Nicholson. He was involved in Women Strike for Peace v. Morton, a case that forced the Government to allow protest activities and displays in Federal parks on the same basis that civic or religious activities and displays are allowed, and in Sullivan v. Murphy, another of Ralph's cases, the Court enjoined prosecution of 14,517 people arrested during anti-Vietnam war protests during May Week 1971, the largest mass arrests in American history, and ordered expungement of arrest records.

In 1971, he was involved in Dellums v. Powell, McCarthy v. Kleindienst, Knable v. Wilson and Tatum v. Wilson, wherein the ACLU won a class action jury verdict in Dellums, judge verdict in Tatum, and obtained settlements in the other cases, recovering over $5 million in damages for the wrongful arrests in May Week 1971; and in Washington Mobilization v. Cullinane, another of Ralph's cases, a three-judge panel of the Court of Appeals reversed an injunction against police sweep arrests, indiscriminate violence, and protracted booking procedures.

Madam Speaker, censorship has never been the best answer to bad speech. The best answer is more speech, good speech, free speech. Throughout his illustrious career, Ralph Temple has been a steadfast defender of the Constitution, the Bill of Rights and especially our First Amendment Freedoms, even when the causes he defended may not have been popular. It is fitting, therefore, that the ACLU of the National Capital Area recognize Ralph with the Barth Award. There are many wonderful things about America.

CONGRATULATING THE BAKERSFIELD HIGH SCHOOL DRILLERS VARSITY FOOTBALL TEAM

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. McCARTHY of California. Madam Speaker, I rise today to honor the student athletes and coaches of the Bakersfield High School Drillers varsity football team on winning the 2007 California Interscholastic Federation Central Section Division I title.

On Friday, November 30, 2007, the Drillers defeated Clovis West High School 19–16 in its last game of the season to win the title. This was truly an outstanding achievement to wrap up a near perfect season, a season where the Drillers finished with a record of 13–1. The Driller victory marked the 34th Central Section football championship for Bakersfield High School. Driller football fans, students and the Bakersfield community were treated to an exciting championship game where in the fourth quarter with a tied score and 25 seconds left, the Drillers' skill, training, hard work, and athleticism paid off with an emotional 43-yard field goal victory.

I want to extend my congratulations to the Bakersfield High School Drillers student athletes for their impressive championship win and 2007 season. The 2007 roster included Tim Etcheverry, Emanuel Turner, Matthew Varvel, Alfonso Jackson, Marcus Nelson, Alex Mitchell, George Ming, Craig McMahon, Donovan Littles, Peter Mitchell, Mark Durando, Cooper Damron, Jerek Johnson, James Diaz, Jesus Mora, Emmanuel Ojeriakhi, Vince Van Horne, Demitri Katsantonis, Criston Moore, Irving Gant, Johnny Noorwood, Kenneth Wallace, Anthony Padilla, Sean Andrew, Louie Miranda, Emilio Cantu, Tevin Jackson, Johnny DePina, Kyle Billington, Collin Ellis, Mitch Knoy, Joel Turrubiates, Johnny Ghilarducci, Peter Welsh, Jake Hunt, Vincent Morales, Jacob Miller, Jason Erickson, Blake Pursel, Joe Benyon, Jamaal Littles, Patrick Parker, Saige White, Charles Anderson, Keith Fingers, Christian Selby, Stephen Schroeter, Chris Landa, Gabriel Cardenes, Mark Van Kopp, Joshua Rojas, Max Heflin, Dakota Velasquez and Jeovany Nunez.

I also want to congratulate the coaching and support staff who helped lead the team to its championship season. The Driller head coach is Paul Golla and his coaching team includes Sean McKeown, Chris Rzewuski, Lance McCullah, Kirk Erickson, Josh Canales, Clint Tobias, Gus Theodore, Pete Mitchell, John Bumerts, Chad Stoner, and Adam Levinson. Supporting the team is Dean of Athletics Jeff Scott, Physical Therapist Kurt Wingate, Dr. Nick Valos, Trainer Big Joe and Trainer Steve Johns.

Participation in athletics is a wonderful component of a high school education because it

provides opportunities for leadership, teamwork and competition. The months of physical and mental training and the teamwork that was required to win this Central Section Division I title will benefit these young men long after their high school graduation.

On behalf of the residents of the 22nd Congressional District, I once again commend the Bakersfield High School Drillers on winning the 2007 Central Section Division I title. I am very proud of the accomplishments of the 2007 Drillers football team, and I know the parents, teachers, neighbors and fans in our community will remember this season for many years to come.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. ALLEN. Madam Speaker, on March 11, 2008, I was unavoidably absent from the House due to a family illness.

If I had been present, I would have voted ''nay'' on rollcall vote No. 111, a motion by Mr. GOHMERT of Texas that the House do now adjourn.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is March 11, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,832 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

The phrase in the 14th amendment capsulizes our entire Constitution. It says: ''No state shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have been given them.

But perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,832 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 11, 2008—12,832 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of the free and the home of the brave.

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

SPEECH OF

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. BROUN of Georgia. Mr. Speaker, regarding the H.R. 1424, the Mental Health and Addiction Equity Act, I have previously shared with my colleagues in this body my serious concerns with several provisions in this Act. I have stated my sincere conviction that this bill, if signed into law, will result in increased overall health care costs, increased mental health costs, and decreased mental health coverage for many Americans. Let me share just a few more problems with this well meaning but misguided legislation.

I am concerned with the use of a 33 percent increase in the Medicaid prescription drug rebate as one of the offsets to pay for this legislation. This represents a significant increase. In fact, it hits the innovator pharmaceutical companies almost double what we might think. While we might have the cost of mental health parity offset by about $1.7 billion over 5 years, that is $1.7 billion to the Federal Government. The cost to the research pharmaceutical companies is nearly double that amount because their rebate is split between the Federal Government and the States. This is a double hit to an industry that Americans rely on to find life-saving treatments for cancer, Parkinson's disease, HIV/AIDS and mental illness.

Furthermore, as a physician I have seen first-hand the stifling impact price controls have on innovation and who loses in that equation—patients do. We only have to look to Europe as recently as the 1990s for evidence of the failure of drug price controls. Once the world's leader in research and development for new cures, Europe has been surpassed by the United States who had committed 24 percent more to pharmaceutical R&D by 2002. Therefore, I urge the sponsors of this bill to find a more equitable offset and not one that could have such a negative impact on a single industry.

HONORING KIDS AGAINST HUNGER—FOX VALLEY

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. ROSKAM. Madam Speaker, I rise today to honor the Fox Valley Chapter of Kids Against Hunger, located in Roselle, Illinois.

Kids Against Hunger is a non-profit organization with a mission to provide nutritious food to impoverished children around the world.

The Fox Valley chapter of Kids Against Hunger located in my district focuses on providing meals to impoverished families in Nicaragua. As the second poorest nation in its hemisphere, 80 percent of Nicaragua's population lives on less than $2 a day.

In 2007, 140 youth and adult volunteers at the Fox Valley Chapter of Kids Against Hunger packaged and provided more than 108,440 meals.

Pastor Darrel Malcom, from Poplar Creek Church in Bartlett, Illinois, recently traveled to Nicaragua to observe the food being received. He visited the Casa Bernabe Orphanage, where several hundred of the Kids Against Hunger meals were distributed. Pastor Malcom had an opportunity to see firsthand the incredible impact Kids Against Hunger is having.

In addition to serving the needy in Nicaragua, Kids Against Hunger serves individuals right here in our own communities, including Streamwood, Illinois. More than 110 seniors in DuPage and Kane Counties have received humanitarian services through the Fox Valley Chapter.

Currently, the Kids Against Hunger—Fox Valley Chapter, is looking for volunteers and funds to continue the production of meals. Additionally, they are looking for areas to host ''packaging events'' so that they can continue to expand their services.

Madam Speaker and Distinguished Colleagues, please join me in honoring the Fox Valley Chapter of Kids Against Hunger for their outstanding work to date, and wishing them all the best in their future endeavors.

CONDEMNING THE ONGOING PALESTINIAN ROCKET ATTACKS ON ISRAELI CIVILIANS

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. KUCINICH. Mr. Speaker, I am unequivocal in my support for the security of Israel and its citizens. I am committed to the right of all people in the Middle East, and the world, to live peacefully. However, because of H. Res. 951's overt lack of balance and its unreconciliatory approach, I oppose this bill.

The resolution appropriately ''expresses condolences to the families of the innocent victims on both sides of the conflict.'' However, H. Res. 951 fails to take a balanced approach to the ongoing violence in Gaza by acknowledging only the rocket and mortar attacks fired on Israel while making no mention of Israel's use of force in the region other than to acknowledge ''the sovereign right of the Government of Israel to defend its territory against attacks.''

The resolution states that the ''rocket and mortar attacks have murdered over a dozen Israelis, inflicted hundreds of casualties, produced thousands of cases of shock and posttraumatic stress, especially among children, and caused severe disruption of daily life.'' The resolution fails to take into account the 117 Palestinians killed in Gaza over the last week or to mention that half of these victims were civilians and at least 22 were children.

Furthermore, the resolution makes no mention of the ongoing Israeli-imposed blockade on Gaza that has cut off Palestinians from fuel supplies and prevented the delivery of food and medical supplies to the Gaza Strip. According to a recent report by Oxfam and other humanitarian organizations, ''the blockade has effectively dismantled the economy and impoverished the population of Gaza. Israel's policy affects the civilian population of Gaza indiscriminately and constitutes a collective punishment against ordinary men, women and children. The measures taken are illegal under international humanitarian law.''

How can the U.S. be an honest broker for peace if we fail to acknowledge the suffering, as well as the rights, of the people on all sides of this ongoing conflict? To broker a viable peace, we must address the long-standing and structural issues that exacerbate the conflict rather than sweep over them in our condemnation of its symptomatic violence.

The United States must seek to prevent violence and human casualty by setting the stage for productive exchanges which can lead to mutual understanding, security and peace. To achieve this peace it is necessary to integrate an open dialogue with diplomatic negotiations aimed at ending all violence and human suffering. Our involvement in the Middle East should aim to coalesce alienated forces rather than drive them farther apart from one another and from a viable solution. Israelis and Palestinians share a mutual future. Therefore, we should set the stage for productive exchanges which can lead to mutual understanding, security and peace.

HONORING BRODES H. HARTLEY, JR.

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to acknowledge the work and accomplishments of a distinguished community leader and true humanitarian, Brodes H. Hartley, Jr. For over two decades Mr. Hartley has done an outstanding job maintaining a high level of care to the nearly 40,000 patients of Community Health of South Dade, Inc.

The ''Patient Care Comes First'' motto he developed, demonstrates that he puts patient's interests above those of the organization, creating an environment in which those in need receive the best possible care. His willingness to take time for concerned patients, as well as to help shape the next generation in healthcare providers, through mentoring, has established him as a community leader.

Brodes H. Hartley, Jr., has accomplished the goal he set out from the beginning, to deliver safe, compassionate, accessible, and culturally competent quality health care service to the people of South Florida. I am very grateful for his contribution to our community and honored to call him my friend.

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1825–S1914

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 2740–2744, and S. Res. 479. **Page S1876**

Measures Passed:

Authorizing Use of Rotunda: Senate agreed to H. Con. Res. 313, authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world. **Page S1839**

Kendell Frederick Citizenship Assistance Act: Committee on the Judiciary was discharged from further consideration of S. 2516, to assist members of the Armed Forces in obtaining United States citizenship, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S1891–92

Brown (for Mikulski) Amendment No. 4177, in the nature of a substitute. **Pages S1891–92**

National Funeral Director and Mortician Recognition Day: Committee on the Judiciary was discharged from further consideration of S. Res. 390, designating March 11, 2008, as National Funeral Director and Mortician Recognition Day, and the resolution was then agreed to. **Page S1892**

National Native HIV/AIDS Awareness Day: Senate agreed to S. Res. 479, designating March 20, 2008, as "Second Annual National Native HIV/AIDS Awareness Day". **Pages S1892–93**

Authorizing Use of Rotunda: Senate agreed to H. Con. Res. 306, permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. **Page S1893**

Enrollment Correction: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 270, to make corrections in the enrollment of the bill H.R. 1593, and the resolution was then agreed to. **Page S1893**

Second Chance Act: Committee on the Judiciary was discharged from further consideration of H.R. 1593, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and the bill was then passed, clearing the measure for the President. **Pages S1893–95**

Measures Considered:

Budget Resolution: Senate continued consideration of S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, taking action on the following amendments proposed there to: **Pages S1832–39, S1839–69, S1895–S1909**

Pending:

Baucus Amendment No. 4160, to provide tax relief to middle-class families and small businesses, property tax relief to homeowners, relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita, and tax relief to America's troops and veterans. **Pages S1839–55**

Graham Amendment No. 4170, to protect families, family farms and small businesses by extending the income tax rate structure, raising the death tax exemption to $5,000,000 and reducing the maximum death tax rate to no more than 35 percent; to keep education affordable by extending the college tuition deduction; and to protect senior citizens from higher taxes on their retirement income, maintain U.S. financial market competitiveness, and promote economic growth by extending the lower tax rates on dividends and capital gains. **Pages S1855–69**

A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 9:30 a.m., on Wednesday, March 12, 2008, and that Baucus Amendment No. 4160 (listed above) remain as the regular order, regardless of the pendency of other amendments. **Pages S1855, S1893**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was declared on March 15, 1995, with respect to Iran; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–41) **Pages S1874–75**

Nominations Received: Senate received the following nominations:

William Clifford Smith, of Louisiana, to be a Member of the Mississippi River Commission for a term of nine years.

Rear Admiral Jonathan W. Bailey, NOAA, to be a Member of the Mississippi River Commission.

Mimi Alemayehou, of the District of Columbia, to be United States Director of the African Development Bank for a term of five years.

Kiyo A. Matsumoto, of New York, to be United States District Judge for the Eastern District of New York.

Cathy Seibel, of New York, to be United States District Judge for the Southern District of New York.

1 Army nomination in the rank of general.

5 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Navy. **Pages S1909–14**

Messages from the House: **Page S1875**

Measures Referred: **Page S1875**

Measures Placed on the Calendar: **Pages S1825, S1875**

Executive Communications: **Pages S1875–76**

Additional Cosponsors: **Pages S1877–78**

Statements on Introduced Bills/Resolutions: **Pages S1878–82**

Additional Statements: **Pages S1872–74**

Amendments Submitted: **Pages S1882–89**

Authorities for Committees to Meet: **Pages S1889–90**

Privileges of the Floor: **Page S1890**

Adjournment: Senate convened at 10 a.m. and adjourned at 8:52 p.m., until 9:30 a.m. on Wednesday, March 12, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1893.)

Committee Meetings

(Committees not listed did not meet)

IRAQ

Committee on Appropriations: Committee concluded a hearing to examine the effectiveness of the United States efforts to combat corruption, waste, fraud, and abuse in Iraq, after receiving testimony from David M. Walker, Comptroller General, Government Accountability Office; Claude M. Kicklighter, Inspector General, and Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction, both of the Department of Defense; and Radhi Hamza al-Radhi, Commission on Public Integrity, Republic of Iraq.

DEFENSE AUTHORIZATION REQUEST

Committee on Armed Services: Committee concluded a hearing to examine the defense authorization request for fiscal year 2009 for the United States Pacific Command and United States Forces in Korea, and the future years defense program, after receiving testimony from Admiral Timothy J. Keating, USN, Commander, United States Pacific Command, and General B.B. Bell, Commander, United Nations Command (UNC), Commander, Republic of Korea—United States Combined Forces Command (CFC), and Commander, United States Forces Korea (USFK), both of the Department of Defense.

NATION'S INFRASTRUCTURE

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the condition of the nation's infrastructure, focusing on proposals for needed improvements, including S. 1926, to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, after receiving testimony from David G. Mongan, American Society of Civil Engineers, Baltimore, Maryland; Felix G. Rohatyn, Center for Strategic and International Studies, and Tracy Wolstencroft, Goldman, Sachs, and Co., both of New York, New York; and Ron Blackwell, American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), and Janet F. Kavinoky, United States Chamber of Commerce, both of Washington, D.C.

U.S. BASIC RESEARCH BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Innovation concluded a hearing to examine the President's proposed budget request for fiscal year 2009 to support basic research in the United States, after receiving testimony from John Marburger III, Director, Office of Science and Technology Policy, Executive Office of the President; James M. Turner, Acting Director, National Institute of Standards and Technology, Department of Commerce; and Arden L. Bement, Jr., Director, National Science Foundation.

CROSS-BORDER TRUCK PILOT PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded an oversight hearing to examine the Department of Transportation's Cross-Border Truck pilot program, after receiving testimony from

Mary E. Peters, Secretary, and Calvin L. Scovel III, Inspector General, both of the Department of Transportation; and Jacqueline S. Gillan, Advocates for Highway and Auto Safety, and Paul D. Cullen, Sr., Owner-Operator Independent Drivers Association, Inc., both of Washington, D.C.

U.S. ARMY CORPS OF ENGINEERS BUDGET

Committee on Environment and Public Works: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2009 for the United States Army Corps of Engineers Civil Works Program, and the implementation of the Water Resources Development Act (WRDA) of 2007 (Public Law 110–114), after receiving testimony from John Paul Woodley, Jr., Assistant Secretary of the Army for Civil Works; and Lieutenant General Robert Van Antwerp, Chief of Engineers, United States Army Corps of Engineers.

HORN OF AFRICA

Committee on Foreign Relations: Committee concluded a hearing evaluating United States policy options on the Horn of Africa, after receiving testimony from Jendayi Frazer, Assistant Secretary of State for African Affairs; Katherine J. Almquist, Assistant Administrator for Africa, United States Agency for International Development; Theresa Whelan, Deputy Assistant Secretary of Defense for African Affairs; David H. Shinn, George Washington University Elliott School of International Affairs, and Lynn Fredriksson, Amnesty International USA, both of Washington, D.C.; and Colonel Thomas A. Dempsey, USA (Ret.), United States Army War College, Carlisle Barracks, Pennsylvania.

NATO

Committee on Foreign Relations: Committee concluded a hearing to examine the North Atlantic Treaty Organization (NATO), focusing on enlargement and effectiveness, after receiving testimony from Daniel Fried, Assistant Secretary of State for European and Eurasian Affairs; General John Craddock, U.S. European Command and Supreme Allied Commander, Europe, NATO Headquarters, Mons, Belgium; Ronald D. Asmus, German Marshall Fund, Brussels, Belgium; and Philip H. Gordon, Brookings Institution, Bruce Pitcairn Jackson, Project on Transitional Democracies, and James J. Townsend, Jr., Atlantic Council, all of Washington, D.C.

LIFE SCIENCES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine funding of the National Institutes of Health, focusing on opportunities in the life sciences and biomedical research, after receiving testimony from Drew Gilpin Faust, Harvard University, Cambridge, Massachusetts; Jill A. Rafael-Fortney, The Ohio State University College of Medicine, Columbus; Edward D. Miller, Johns Hopkins Medicine, Baltimore, Maryland; Samuel M. Rankin III, American Mathematical Society, Washington, D.C.; and Dana Lewis, Huntsville, Alabama.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Grace C. Becker, of New York, to be Assistant Attorney General for the Civil Rights Division, Department of Justice, after the nominee, who was introduced by Senator Hatch, testified and answered questions in her own behalf.

FAMILIES OF WOUNDED WARRIORS

Committee on Veterans' Affairs: Committee concluded a hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on caring for the families of wounded warriors, after receiving testimony from Lynda C. Davis, Deputy Assistant Secretary of the Navy for Military Personnel Policy, Department of Defense; Kristen Day, Chief Consultant, Care Management and Social Work, Office of Patient Care Services, Veterans Health Administration, and Steven L. Sayers, Clinical Research Psychologist, Philadelphia Medical Center, both of the Department of Veterans Affairs; Jane Dulin, United States Army Wounded Warrior Program, Elkins Park, Pennsylvania; Colonel Peter J. Bunce, USAF (Ret.), Arlington, Virginia; Robert Verbeke, Exton, Pennsylvania; and Jackie McMichael, Franklinton, North Carolina.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 5575–5594; and 6 resolutions, H. Con. Res. 314–315; and H. Res. 1034–1035, 1037–1038 were introduced. **Pages H1538–39**

Additional Cosponsors: **Pages H1539–40**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 5501, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria (H. Rept. 110–546, Pt. 2) and

H. Res. 1036, providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. **Pages H1515, H1528**

Speaker: Read a letter from the Speaker wherein she appointed Representative Solis to act as Speaker pro tempore for today. **Page H1447**

Recess: The House recessed at 10:48 a.m. and reconvened at noon. **Page H1449**

Motion to Adjourn: Rejected the Gohmert motion to adjourn by a yea-and-nay vote of 20 yeas to 364 nays, Roll No. 111. **Page H1453**

Committee Elections: The House agreed to H. Res. 1034, electing the following Members to serve on certain standing committees of the House of Representatives: Committee on Armed Services: Representative Wittman (VA). Committee on Homeland Security: Representative Miller (MI). **Pages H1457–58**

Motion to Adjourn: Rejected the Westmoreland motion to adjourn by a yea-and-nay vote of 6 yeas to 387 nays, Roll No. 112. **Page H1458**

Committee Resignation: Read a letter from Representative Miller (MI), wherein she resigned from the Committee on Armed Services, effective today. **Page H1458**

Committee Resignation: Read a letter from Representative Wittman (VA), wherein he resigned from the Committee on Foreign Affairs, effective today. **Page H1458**

Committee Resignation: Read a letter from Representative Sires, wherein he resigned from the Committee on Financial Services, effective today. **Page H1458**

Committee Elections: The House agreed to H. Res. 1035, electing the following Members to serve on certain standing committees of the House of Representatives: Committee on Foreign Affairs: Representative Berman, Chairman. Committee on Transportation and Infrastructure: Representative Sires. **Page H1459**

Discharge Petition: Representative Drake moved to discharge the Committees on Homeland Security, the Judiciary, Ways and Means, Education and Labor, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources from the consideration of H.R. 4088, to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program (Discharge Petition No. 5).

Supplemental Report: Agreed that the Committee on Foreign Affairs be permitted to file a supplemental report on H.R. 5501, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria. **Page H1467**

Motion to Adjourn: Rejected the Manzullo motion to adjourn by a yea-and-nay vote of 5 yeas to 388 nays, Roll No. 113. **Pages H1467–68**

Motion to Adjourn: Rejected the Platts motion to adjourn by a yea-and-nay vote of 4 yeas to 396 nays, Roll No. 114. **Pages H1499–H1500**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Authorizing the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland: H.R. 5492, to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland; **Pages H1454–55**

Expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany: H. Res. 854, amended, to express gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting

open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany; **Pages H1459–62**

Agreed to amend the title so as to read: "Expressing gratitude to all of the member states of the International Commission of the International Tracing Service on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany.". **Page H1462**

Commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand: H. Con. Res. 290, amended, to commemorate the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand; and **Pages H1462–63**

Recognizing the 187th anniversary of the independence of Greece and celebrating Greek and American democracy: H. Res. 1024, amended, to recognize the 187th anniversary of the independence of Greece and celebrating Greek and American democracy. **Pages H1463–67**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Monday, March 10th:

Congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the United States and the world as Iowa's land-grant university: H. Res. 924, amended, to congratulate Iowa State University of Science and Technology for 150 years of leadership and service to the United States and the world as Iowa's land-grant university, by a ⅔ yea-and-nay vote of 405 yeas with none voting "nay", Roll No. 115; **Page H1500**

Congratulating the University of Kansas ("KU") football team for winning the 2008 FedEx Orange Bowl and having the most successful year in program history: H. Res. 948, amended, to congratulate the University of Kansas ("KU") football team for winning the 2008 FedEx Orange Bowl and having the most successful year in program history by a ⅔ yea-and-nay vote of 396 yeas with 12 voting "present", Roll No. 118; and **Page H1514**

Congratulating the women's water polo team of the University of California, Los Angeles, for winning the 2007 NCAA Division I Women's Water Polo National Championship, and congratulating UCLA on its 100th NCAA sports national title, making it the most accomplished athletic program in NCAA history: H. Res. 493, amended, to congratulate the women's water polo team of the University of California, Los Angeles, for winning the 2007 NCAA Division I Women's Water Polo National Championship, and congratulating UCLA on its 100th NCAA sports national title, making it the most accomplished athletic program in NCAA history, by a ⅔ yea-and-nay vote of 400 yeas with none voting "nay", Roll No. 119. **Pages H1514–15**

Oath of Office—Fourteenth Congressional District of Illinois: Representative-elect Bill Foster presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Mr. Daniel W. White, Executive Director, Illinois State Board of Elections, indicating that, according to the unofficial returns of the Special Election held on March 8, 2008, the Honorable Bill Foster was elected Representative to Congress for the Fourteenth Congressional District, State of Illinois. **Pages H1501, H1537**

Whole Number of the House: The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Illinois, Mr. Bill Foster, the whole number of the House is adjusted to 430. **Page H1502**

Privileged Resolution—Intent to Offer: Representative Price (GA) announced his intention to offer a privileged resolution. **Page H1502**

Question of Privilege: The Chair ruled that the resolution offered by Representative Price (GA) did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a recorded vote of 218 ayes to 192 noes with 1 voting "present", Roll No. 116. **Pages H1502–03**

Intelligence Authorization Act for Fiscal Year 2008—Presidential Veto: The House voted to sustain the President's veto of H.R. 2082, to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a yea-and-nay vote of 225 yeas to 188 nays, Roll No. 117 (two-thirds of those present not voting to override). **Pages H1503–14**

Subsequently, the message (H. Doc. 110–100) and the bill were referred to the Permanent Select Committee on Intelligence. **Page H1514**

Motion to Adjourn: Rejected the Abercrombie motion to adjourn by a yea-and-nay vote of 177 yeas to 196 nays with one voting "present", Roll No. 120. **Pages H1524–25**

Providing for the adoption of H. Res. 895: The House agreed to H. Res. 1031, providing for the

adoption of the resolution (H. Res. 895) establishing within the House of Representatives an Office of Congressional Ethics, by a yea-and-nay vote of 229 yeas to 182 nays with 4 voting "present", Roll No. 122, after agreeing to order the previous question by a yea-and-nay vote of 207 yeas to 206 nays, Roll No. 121. **Pages H1525–36**

Pursuant to the rule, H. Res. 895 is adopted. **Pages H1515–24**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Honoring the 200th anniversary of the Gallatin Report on Roads and Canals: H. Res. 936, amended, to honor the 200th anniversary of the Gallatin Report on Roads and Canals, to celebrate the national unity the Gallatin Report engendered, and to recognize the vast contributions that national planning efforts have provided to the United States; **Pages H1455–57**

Generations Invigorating Volunteerism and Education Act: H.R. 5563, to reauthorize and reform the national service laws; and **Pages H1468–98**

Temporarily extending the programs under the Higher Education Act of 1965: S. 2733, to temporarily extend the programs under the Higher Education Act of 1965. **Pages H1498–99**

Motion to Adjourn: Agreed to the Sutton motion to adjourn by a yea-and-nay vote of 216 yeas to 186 nays, Roll No. 123. **Pages H1536–37**

Senate Messages: Messages received from the Senate today appear on pages H1449 and H1468.

Senate Referral: S. Con. Res. 66 was held at the desk. **Page H1449**

Quorum Calls Votes: Twelve yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H1453, H1458, H1467–68, H1499–H1500, H1500, H1503, H1513–14, H1514, H1515, H1524–25, H1532, H1533–34, and H1536–37. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 10:44 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT; FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on the Research, Education and Economic budget request. Testimony was heard from Gale A. Buchanan, Under Secretary, Research, Education and Economics, USDA.

COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies, on OJP/COPS/OVW. Testimony was heard from the following officials of the Department of Justice: Jeffrey Sedgwick, Acting Associate Attorney General, Office of Justice Programs; Carl R. Peed, Director, Community Oriented Policing Services; and Cindy Dyer, Director, Office on Violence Against Women.

The Subcommittee also held a hearing on the Secretary of Commerce. Testimony was heard from Carlos M. Gutierrez, Secretary of Commerce.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Air Force Posture. Testimony was heard from the following officials of the Department of Air Force: Michael W. Wynn, Secretary, and GEN T. Michael Moseley, USAF, Chief of Staff.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on DOE—Energy and Conservation, Fossil Energy, Electricity Delivery and Energy Reliability. Testimony was heard from the following officials of the Department of Energy: C.H. Albright, Jr., Under Secretary; Alexander Karsner, Assistant Secretary, Energy Efficiency and Renewable Energy; James Slutz, Acting Principal Deputy, Assistant Secretary, Fossil Energy; and Kevin Kolevar, Director, Electricity Delivery and Energy Reliability.

FINANCIAL SERVICES, GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, and General Government held a hearing on Consumer Product Safety Commission. Testimony was heard from the following officials of the Consumer Product Safety Commission: Nancy Nord, Acting Chair; and Thomas H. Moore, Commissioner.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Citizenship and Immigration Services: Strengthening legal immigration and improving refugee processing. Testimony was heard from the following officials of the U.S. Citizenship and Immigration Service, Department of Homeland Security; Emilio Gonzales, Director; Jonathan Scharfen, Deputy Director; and Timothy Rosado, Acting Chief Financial Officer.

The Subcommittee also held a hearing on Homeland Security Grants: Supporting a National Preparedness and Response System. Testimony was heard from David Paulison, Administrator, FEMA, Department of Homeland Security; William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, GAO; and a public witness.

INTERIOR, ENVIRONMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on National Endowment for the Humanities. Testimony was heard from Bruce Cole, Chairman, National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

LABOR, HHS, EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on Implications of a Weakening Economy for Training and Employment Services. Testimony was heard from public witnesses.

MILITARY CONSTRUCTION, VETERANS' AFFAIRS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans' Affairs and Related Agencies held a hearing on Navy Budget. Testimony was heard from the following officials of the Department of Defense: ADM Gary Roughead, USN, Chief of Naval Operations; and GEN James T. Conway, Commandant, U.S. Marine Corps.

STATE, FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations and Related Programs held a hearing on HIV/AIDS and Global Health Programs. Testimony was heard from the following officials of the Department of State: Ambassador Mark R. Dybul, U.S. Global AIDS Coordinator; and Kent Hill, Assistant Administrator, Global Health, U.S. Agency for International Development.

TACTICAL AVIATION PROGRAMS

Committee on Armed Services: Subcommittee on Air and Land Forces and the Subcommittee on Seapower and Expeditionary Forces held a joint hearing on Department of the Navy and Air Force Tactical Aviation Programs. Testimony was heard from Michael J. Sullivan, Director, Acquisition and Sourcing Management, GAO; and the following official of the Department of Defense: John J. Young, Jr., Under Secretary, Acquisition, Technology and Logistics; and the following officials of the Department of the Navy: William Balderson, Deputy Assistant Secretary, Naval Air Programs, Office of the Assistant Secretary, Research, Development and Acquisition; RADM Allen G. Myers, USN, Director, Air Warfare Division (OPNAV 88), Headquarters, U.S. Navy; LTG George J. Trautman, USMC, Deputy Commandant, Aviation, Headquarters, U.S. Marine Corps; LTG Daniel J. Darnall, USAF, Deputy Chief of Staff, Air, Space and Information Operations, Plans and Requirements, Headquarters, U.S. Air Force; and LTG Donald J. Hoffman, USAF, Military Deputy, Office of the Assistant Secretary of the Air Force, Acquisition.

FY 08 DEFENSE AUTHORIZATION'S PRESIDENTIAL SIGNING STATEMENT

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on the Impact of the Administration's signing statement on the Department of Defense's implementation of the Fiscal Year 2008 National Defense Authorization Act. Testimony was heard from Gary L. Kepplinger, General Counsel, GAO; T.J. Halstead, Legislative Attorney, American Law Division, CRS, Library of Congress; and public witnesses.

MILITARY READINESS—GOVERNMENT'S ROLE

Committee on Armed Services: Subcommittee on Readiness held a hearing on Inherently Governmental—What is the Proper Role of Government? Testimony was heard from the following officials of the Department of Defense: P. Jackson Bell, Deputy Under Secretary, Logistics and Materiel Readiness, and Shay Assad, Director, Defense Procurement and Acquisition Policy; and David M. Walker, Comptroller General, GAO.

AFTER SCHOOL PROGRAMS BUDGET

Committee on Education and Labor: Subcommittee on Early Childhood, Elementary and Secondary Education held a hearing on After School Programs: How the Bush Administration's Budget Impacts Children and Families. Testimony was heard from Theresa Kough, Education Associate, Department of Education, State of Delaware; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action, as amended, the following bills: H.R. 1108, Family Smoking Prevention and Tobacco Control Act, and to mark up the following bills: H.R. 1198, Early Hearing Detection and Intervention Act of 2007; H.R. 2464, Wakefield Act; H.R. 1237, Cytology Proficiency Improvement Act of 2007; H.R. 3701, Keeping Seniors Safe From Falls Act of 2007; H.R.

2063, Food Allergy and Anaphylaxis Management Act of 2007; H.R. 3825, Newborn Screening Saves Lives Act of 2007; and H.R. 1418, Reauthorization of the Traumatic Brain Injury Act.

COMMUNICATIONS MARKETPLACE—ROLE OF PRIVATE EQUITY

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled "The Role of Private Equity in the Communications Marketplace." Testimony was heard from public witnesses.

HUD BUDGET

Committee on Financial Services: Held a hearing on the oversight of the Department of Housing and Urban Development, including the Department's budget request for fiscal year 2009 and oversight of emergency spending. Testimony was heard from Alphonso Jackson, Secretary of Housing and Urban Development.

COIN MODERNIZATION AND TAXPAYER SAVINGS ACT OF 2008

Committee on Financial Services: Subcommittee on International Monetary Policy, Trade and Technology held a hearing on H.R. 5512, Coin Modernization and Taxpayer Savings Act of 2008. Testimony was heard from Edmund C. Moy, Director, U.S. Mint, Department of the Treasury; Jay W. Johnson, former Representative from Wisconsin, and former Director of the Mint; and public witnesses.

U.S.-IRAQI REFUGEE RESPONSIBILITIES

Committee on Foreign Affairs: Subcommittee on Middle East, and South Asia, and the Subcommittee on Organizations, Human Rights and Oversight held a joint hearing on Neglected Responsibilities: the U.S. Response to the Iraqi Refugee Crisis. Testimony was heard from the following officials of the Department of State: James B. Foley, Senior Coordinator, Iraqi Refugee Issues; Lawrence Butler, Deputy Assistant Secretary, Bureau of Near Eastern Affairs; Stephen A. Edson, Deputy Assistant Secretary, Visa Services, Bureau of Consular Affairs; and Greg Gottlieb, Senior Deputy Administrator, Bureau for Democracy, Conflict and Humanitarian Assistance, U.S. Agency for International Development; and Lori Scialabba, Special Adviser to the Secretary of Homeland Security for Iraqi Refugees, Department of Homeland Security.

NET NEUTRALITY/INTERNET FREE SPEECH

Committee on the Judiciary: Task Force on Competition Policy and Antitrust Laws held a hearing on Net Neutrality and Free Speech on the Internet. Testimony was heard from public witnesses.

CORPORATE SETTLEMENT AGREEMENTS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on Deferred Prosecution: Should Corporate Settlement Agreements Be Without Guidelines? Testimony was heard from Representatives Pallone and Pascrell; David E. Nahmias, U.S. Attorney's Office, Northern District of Georgia, Department of Justice; and public witnesses.

HOMELAND SECURITY LAW ENFORCEMENT

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on Department of Homeland Security Law Enforcement Operations. Testimony was heard from the following officials of the Department of Homeland Security: Dana A. Brown, Director, Federal Air Marshal Service, Assistant Administrator, Transportation Security Administration; Jeffrey D. Self, Chief, Southwest Border Division, Office of Border Patrol; Raymond R. Parmer, Deputy Director, Investigations, U.S. Immigration and Customs Enforcement; Michael Stenger, Assistant Director, Office of Investigations, U.S. Secret Service; and RADM Wayne Justice, USCG, Assistant Commandant, Capability and Director of Response, U.S. Coast Guard.

OVERSIGHT—GETTING ROYALTIES RIGHT

Committee on Natural Resources: Subcommittee on Energy and Resources held an oversight hearing on Getting Royalties Right: Recent Recommendations for Improving the Federal Oil and Gas Royalty System. Testimony was heard from the following officials of the Department of the Interior: Earl Devaney, Inspector General; David Deal, Vice Chair, Royalty Policy Committee; C. Stephen Allred, Assistant Secretary, Land and Minerals Management; Randall Luthi, Director, Minerals Management Service; and Larry Finfer, Deputy Director, Office of Policy Analysis; Frank Rusco, Acting Director, Natural Resources and Environment, GAO; Linda Stiff, Acting Commissioner, IRS, Department of the Treasury; and Dennis Roller, Royalty Audit Section Manager, Office of the State Auditor, North Dakota.

ANIMAL PROTECTION MEASURES

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on the following measures: H.R. 2964, Captive Primate Safety Act; and a measure To amend the Lacey Act Amendments of 1981 to extend its protection to bears illegally harvested for their viscera in the same manner as with respect to prohibited wildlife species. Testimony was heard from Benito A. Perez, Chief,

Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

D.C. PAROLE, SUPERVISED RELEASE AND REVOCATION

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a hearing on Advancements and Continual Challenges in the Parole, Supervised Release and Revocation of D.C. Code Offenders. Testimony was heard from Chief Issac Fulwood, Commissioner, U.S. Parole Commission, Department of Justice; Avis E. Buchanan, Director, Public Defender Service, District of Columbia; Rufus King, Chief Judge, D.C. Superior Court; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization and Procurement approved for full Committee action the following bills: H.R. 752, amended, Federal Electronic Equipment Donation Act of 2007; H.R. 3033, amended, Contractors and Federal Spending Accountability Act of 2007; H.R. 3928, Government Contractor Accountability Act of 2007; and H.R. 4881, amended, Contracting and Tax Accountability Act of 2007.

FEDERAL AGENCY USE OF COMMERCIAL INFORMATION RESELLERS

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census and National Archives held a hearing on Privacy: The Use of Commercial Information Resellers by Federal Agencies, Testimony was heard from Karen S. Evans, Administrator, Office of E-Government and Information Technology, OMB; Linda D. Koontz, Director, Information Management Issues, GAO; Hugo Teufel III, Chief Privacy Officer, Department of Homeland Security; and public witnesses.

U.S.-LATIN AMERICAN ENERGY COOPERATION

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing on National Security and Latin America: Challenges and Opportunities on Energy Cooperation. Testimony was heard from public witnesses.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Committee on Rules: Granted, by voice vote, a structured rule. The rule provides four hours of general debate on H. Con. Res. 312, the Concurrent Resolution on the Budget for FY 2009, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies to be equally divided and controlled by Representative Maloney of New York and Representative Saxton of New Jersey. The rule waives all points of order against consideration of the concurrent resolution and provides that the concurrent resolution shall be considered as read.

The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. The rule permits the Chairman of the Budget Committee to offer amendments in the House to achieve mathematical consistency. The rule provides that the concurrent resolution shall not be subject to a demand for division of the question of its adoption. The rule provides that the Chair may postpone further consideration of the concurrent resolution to a time designated by the Speaker. Finally, the rule provides for a motion to take the Senate concurrent resolution on the budget from the table, strike all after the resolving clause, and to insert in lieu thereof the provisions of House Concurrent Resolution 312 as adopted by the House. Testimony was heard by Chairman Spratt and Representatives Scott of Virginia, Lee, Ryan of Wisconsin, Brady of Texas, and Ginny Brown-Waite of Florida.

NANOTECHNOLOGY RESEARCH

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on the Transfer of Nanotechnology Initiative Research Outcomes for Commercial and Public Benefit. Testimony was heard from public witnesses.

SCIENCE AND TECHNOLOGY BUDGET FISCAL YEAR 2009

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on the NIST's Fiscal year 2009 Budget Request: What Are the Right Technology Investments to Promote U.S. Innovation and Competitiveness. Testimony was heard from James Turner, Acting Director, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

SOUTHEASTERN U.S. WATER MANAGEMENT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Comprehensive Watershed Management and Planning: Drought-related Issues in the Southeastern United States. Testimony was heard from Representatives Lewis of Georgia, Boyd of Florida and Johnson of Georgia; from the following officials of the Department of the Interior: Jess D. Weaver, Regional Executive, Southeast Asia, U.S. Geological Survey; and Sam D. Hamilton, Regional Director, Southeast Region, U.S. Fish and Wildlife Service; BG Joseph Schroedel, USA, Commander, South Atlantic Division, U.S. Army Corps of Engineers, Department of the Army; J. John Feldt, Hydrologist-In-Charge, National Weather Service, NOAA, Department of Commerce; Robert J. Hunter, Commissioner, Department of Watershed Management, Atlanta, Georgia; and public witnesses.

SUBSTANCE ABUSE/CO-MORBID DISORDERS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Substance Abuse/Co-morbid Disorders: Comprehensive Solutions to a Complex Problem. Testimony was heard from Antonette Zeiss, Associate Chief Consultant, Mental Health Services, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

MEDICARE PAYMENT ADVISORY COMMISSION REPORT

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare Payment Advisory Commission's annual report on Medicare payment policies. Testimony was heard from Glen M. Hackman, Chairman, Medicare Payment Advisory Commission.

BRIEFING—ADVANCED R&D BUDGET

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Advanced R&D Budget. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D247)*

S. 2478, to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office". Signed on March 11, 2008. (Public Law 110–194)

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 12, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Air Force, 10:30 a.m., SD–192.

Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the federal judiciary, 4 p.m., SD–138.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to receive a briefing on the current readiness of the armed forces of the United States, 9:30 a.m., SH–219.

Subcommittee on Strategic Forces, to hold hearings to examine strategic forces programs in review of the defense authorization request for fiscal year 2009 and the future years defense program, 10 a.m., SR–232A.

Subcommittee on SeaPower, to hold hearings to examine the defense authorization request for fiscal year 2009, for the strategic lift programs, and the future years defense program, 2 p.m., SR–222.

Subcommittee on Emerging Threats and Capabilities, to hold hearings to examine technologies to combat weapons of mass destruction, 2:30 p.m., SD–106.

Subcommittee on Readiness and Management Support, to hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Housing and Urban Development and conduct oversight, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Interstate Commerce, Trade, and Tourism, to hold hearings to examine the gross domestic product as a measurement of national strength, 1:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine hardrock mining, focusing on issues relating to abandoned mine lands and uranium mining, 2:15 p.m., SD–366.

Committee on Finance: to hold hearings to examine alternatives to the current federal estate tax system, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the United States and Vietnam, focusing on the bilateral relationship, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine agencies in peril, focusing on protecting federal information technology and secure sensitive information, 2:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine Generation Rx, focusing on the abuse of prescription and over-the-counter drugs, 2 p.m., SD–226.

Committee on Rules and Administration: to hold hearings to examine issues relative to in-person voter fraud and voter disenfranchisement, 10 a.m., SR–301.

Select Committee on Intelligence: closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings relative to doctors and prescription drug information and reviews, 10:30 a.m., SD–562.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies, on DEA, 9:30 a.m., and on Bureau of Prisons, U.S. Marshals, Detention Trustee, 2 p.m., H–309 Capitol.

Subcommittee on Defense, on Army Posture, 10 a.m., and executive, on Army Acquisition, 1:30 p.m., H–140 Capitol.

Subcommittee on Financial Services, and General Government, on The Judiciary, 10 a.m., 2220 Rayburn.

Subcommittee on Homeland Security, on Investing in Science and Technology, 10 a.m., 2362–B Rayburn.

Subcommittee on Interior, Environment and Related Agencies, on Public Witnesses—Native American, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Status of the World Trade Center 9/11 Health Monitoring and Treatment Program, 1 p.m., 2358–C Rayburn.

Subcommittee on Legislative Branch, on Office of Compliance, Congressional Budget Office, Open World Leadership Center, 10 a.m., H–144 Capitol, and on Capitol Visitor Center, 1:30 p.m., 2359 Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Pacific Command, 10 a.m., H–143 Capitol.

Subcommittee on State, Foreign Operations, and Related Programs, on Fiscal Year 2009 Budget Request for International Affairs—Secretary Rice, 10 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on Fiscal Year 2009 National Defense Authorization Budget Request for the U.S. Pacific Command and U.S. Forces Korea, 1 p.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on the Future of the Military Healthcare System, 9 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on Fiscal Year 2009 National Defense Authorization Budget Request for the Department of Energy National Security Programs, 10 a.m., 2212 Rayburn.

Committee on Education and Labor, hearing on H.R. 5522, Combustible Dust Explosion and Fire Prevention Act of 2008, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled "The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006: Implementation Review and Discussion of Safety Reassessment Intervals for Natural Gas Pipelines," 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Regulatory Failure: Must America Live with Unsafe Food?" 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled "Municipal Bond Turmoil: Impact on Cities, Towns, and States," 10 a.m, 2128 Rayburn.

Committee on Foreign Affairs, hearing on the Balkans after the Independence of Kosovo and on the Eve of NATO Enlargement, 10 a.m., 2154 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on 853 Days: From Gaza Disengagement to De Facto Power? 2 p.m., 2200 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security and Infrastructure Protection hearing entitled "Partnerships in Securing Critical Infrastructure," 2 p.m., 311 Cannon.

Committee on House Administration, Subcommittee on Elections, oversight hearing on the Election Assistance Commission, 3 p.m., 1310 Longworth.

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, to mark up the following measures: H.R. 5571, To extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates; H.R. 5569, To extend for 5 years the EB–5 regional center pilot program; H.R. 5570, Religious Worker Visa Extension Act of 2008; and H.R. 5060, to amend the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to renew their period of authorized admission in 5-year increments, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, to consider the following bills: H.R. 2016, National Landscape Conservation System Act; H.R. 4933, Captive Wildlife Safety Technical Amendments Act of 2008; H.R. 2342, National Integrated Coastal and Ocean Observation Act of 2007; H.R. 1187, Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; H.R. 3352, Hydrographic Services Improvement Act Amendments of 2007; H.R. 3891, To amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation; H.R. 2515, Lower Colorado River Multi-Species Conservation Program Act; H.R. 2675, HALE Scouts Act; and H.R. 3651, Utah National Guard Readiness Act, 11 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing on Priorities and Accountability at ONDCP, 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Committee, hearing on Competitiveness and Innovation on the Committee's 50th Anniversary, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Urban and Rural Entrepreneurship, hearing on the Oversight of the Entrepreneurial Development Programs Implemented by the Small Business Administration and National Veterans Business Development Corporation, 10 a.m., 1539 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, hearing on Intelligence Operations, 2 p.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled ''Nuclear Power in a Warming World: Solution or Illusion?'' 9 a.m., 311 Cannon.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, March 12

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. Con. Res. 70, Budget Resolution.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, March 12

House Chamber

Program for Wednesday: Consideration of H. Con. Res. 312—Revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013 (Subject to a Rule).

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